THE NATION

OCTOBER 25, 1971 50 cents

Narcotics Squad
The Golden Arm of the Law

WILLIAM P. BROWN

Virginia Held / Justice and Harriet Taylor

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LETTERS

who ditched the economy?

Elmhurst, Ill.

DEAR SIRS: As I interpret his article—"Watershed of the American Economy"(*The Nation*, Sept. 13)—David Deitch makes three main points:

(*1*) The inflation plaguing the United States—and the rest of the capitalist world—since 1965 is the result of increasing loads of corporate and public debt, and the inability to service this debt without inflationary price increases.

(*2*) The working class of the United States is in the way of being "milked" by the corporate community and the economic technocrats in order to provide working capital for a future business expansion.

(*3*) A cabal of corporate managers and economic technocrats . . . has consciously evolved an economic policy guaranteed to siphon off existing consumer savings, forestall wage increases of the working class not justified by increased productivity, co-opt labor, and garrison the United States against the rapacity of the world trading community. . . .

First, out of the universe of factors underlying the development of inflation, Mr. Deitch has selected one—the increase in corporate and public debt—as the primary culprit. I think Mr. Deitch has confused cause and effect. I suspect corporate debt was incurred to finance expansion—which conceivably could have led to increased output and stable prices—and to cover the increased costs of doing business. I further suspect that the demand for labor back in 1965 and 1966 to provide both guns and butter during the Vietnamese War was a prime factor underlying the rise in both wages and prices. Also, "cost-push" elements involved in agreements of powerful labor unions in the past several years have contributed to the "high fixed-cost structure" of the business community, as well as the assumption of debt. . . . In any case, two indexes give pretty conclusive evidence that Mr. Deitch's premise is on thin ground: (*a*) Wages and salaries vis-à-vis profits as a percentage of GNP have maintained a stable relationship for some time; and (*b*) the ratio of price to unit labor cost in recent years has gone *down*, not up.

Second, the working class of the United States is made up of diverse elements, some of which have "milked" the rest of us quite handily. A labor union which extracts wage increases exceeding its productivity contributions takes it out of the hides of other members of the working class. . . .

Third, I have reservations about the existence of the cabal so vividly portrayed by Mr. Deitch . . . restructuring the American economy. I had the idea that there were at least three publicly visible schools of economic thought extant in the United States, namely, neo-Keynesian, monetarist, and Galbraithian, and that Mr. Nixon's Administration has shifted from monetarist to neo-Keynesian (diluted) to Galbraithian (diluted), in the hope of finding something to halt the continuing erosion of economic performance. Mr. Deitch avers that Mr. Nixon and his economic technocrats planned it that way, and now are in a strong position to manage the economy. . . .

The tone of Mr. Deitch's article implies that he considers the restraint of the prevailing economic anarchy to be relatively undesirable, but I am unable to perceive from the content of his article what form of economic organization he aspires to. However, I infer, perhaps unfairly, that Mr. Deitch has an ideological bent that finds any form of capitalism distasteful. . . .

John Yuccas

Boston, Mass.

DEAR SIRS: Mr. Yuccas' tiresome tirade is, I hope, among the last of the Neanderthal attacks on "labor" as the culprit for what ails the economy. Some of the most conservative

(Continued on page 404)

EDITORIALS

Spotlight on the FBI

In the February 8 issue of *The Nation*, we ran an article by H. H. Wilson of the Department of Politics at Princeton, titled "The FBI Today: The Case for Effective Control." Wilson called for public discussion of the problem of the FBI in the broadest sense, including specifically how to keep it within the confines of the job which has been entrusted to it, how to prevent it from engaging in ideological forays, violation of the privacy of law-abiding citizens, and other political mischief.

Once in a while a good idea catches on. This one did. As a direct result of Wilson's article, "A Conference on the FBI" will be held on the campus of Princeton University, Corwin Hall, October 29-30, sponsored by the Woodrow Wilson School at Princeton and the Committee for Public Justice. The co-chairmen of the conference are Duane Lockhard, head of the Princeton Politics Department; Norman Dorsen, professor of law at New York University Law School, and Burke Marshall, deputy dean of the Yale Law School. Details may be obtained from Stephen Gillers, the Committee for Public Justice, 23 West 9th Street, New York 10011; telephone (212) 260-4545.

The papers already scheduled make up a brilliant agenda: "The FBI and Civil Rights"; "The Selling of the FBI"; "The FBI and the Bill of Rights"; "An Insider's View"; "Scope and Basis for Data Collection"; "The Acquisition, Maintenance and Dissemination of Derogatory Information by the FBI"; "The FBI and the Use of Informers"; "A History of the FBI"; "The FBI as a Political Police"; "The FBI and Electronic Surveillance"; "The FBI and Organized Crime"; "The British Analogy"; "The FBI and the Budget." The authors are as informed and distinguished a group as can be imagined. Incidentally, Doubleday will be publishing the papers in book form. In addition, there will be four panels of individuals who have experienced the Bureau in different ways. The panels include former Justice Department personnel, former FBI agents, former informers, and specialists on federal-local relations in police work.

Nothing could be more timely than this conference and *The Nation* is happy to have had a part in germinating it. It will be interesting to see whether the newspapers, TV and radio give it the coverage it obviously deserves. What is not in doubt is that it will get intense attention in the echelons, high and low, of the FBI itself. The organization is in a bad way. The overlong tenure of J. Edgar Hoover has had somewhat the same effect on the Bureau as the Vietnamese War has had on the Army. Recent revelations in *The New York Times* (October 10) of the discord between the FBI and the CIA are only one indication.

Of course the problem of the FBI is much larger than the problem of J. Edgar Hoover. At this stage, Mr. Hoover's principal importance is that nothing of consequence can be done about the FBI as long as he remains its director. For reasons of their own, the President and Attorney General Mitchell would welcome the opportunity to deliver encomiums on Mr. Hoover's retirement. They can't say, obviously, that they want him out, but it is a safe assumption that they do. Similarly, a good many of the

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Bureau's officials would like nothing better than to see him go.

Who can feel safe, much less appreciated, when a respected top man like William C. Sullivan is locked out of his office and forced to resign? The impression that Sullivan and Hoover came into conflict over ideological issues is off the mark. Hoover did resent Sullivan's declaration that the Communist Party, U.S.A. has nothing to do with leftist terrorism; nor was he enchanted by Sullivan's indiscreet statement on organized crime [see W. H. Ferry's letter, *The Nation*, April 26, p. 514]. However, Hoover's continued harping on the Red bogey is only one aspect of his vocational senescence. The basic grievance of the insiders is that, what with Hoover's increasingly tyrannical disposition and inability to keep up with changing conditions, the FBI is deteriorating in crucial aspects of its work. Some of its defects have been publicized, but Hoover is so intolerant of criticism that he has failed to profit by the revelations, which in any case have been only fragmentary. The discussions at the Princeton conference on the FBI will give a comprehensive picture of the Bureau's past and present deficiencies, as well as those of its 76-year-old director. It should attract national attention.

Nixon: How Vulnerable?

Now is a good time to throw out a warning to the Democrats that President Nixon may not prove to be as vulnerable as the party's leaders have imagined. In a recent Chicago speech, J. K. Galbraith points to the obvious—that the President has outflanked the Democrats on both foreign and domestic policy. On the economy, "the Democrats can no longer propose a policy different from his"; all they can do is argue about implementation and criticize him for having failed for nearly three years to come up with a relevant game plan. On the international scene, the Administration has been careful not to heat up the familiar zones of tension. More to the point, the projected visits to Peking and Moscow are almost certain to yield political dividends for the President. Even if nothing much happens at either summit, the communiqués will make it appear that the talks have been "fruitful" and the stage set for significant improvements in relations. The inherent news interest in both meetings will enable the President to dominate the headlines immediately before, during, and for a time, after both visits.

On returning from each visit, he will be hailed as a peacemaker by his entourage. While the concrete accomplishments may be slight, neither the Russians nor the Chinese can afford to let Mr. Nixon return empty-handed.

The war in Vietnam is still the major issue and here the President is indeed vulnerable, but the Democrats have not handled the issue astutely. They have let the President create the illusion that the war is no longer with us. Of course Mr. Nixon remains vulnerable. He is not liked and never will be. His "image" is repulsive. He is, as the VISTA volunteers pointed out recently, "the active enemy of the poor and the underemployed and the unemployed." On racial issues he has been a total failure. And a strong

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case can be made against him on many issues and numerous counts. But still he will not be easily defeated.

What is most distressing about the Democrats at the moment—with exceptions—is that they continue to be bemused by so-called "consensus politics." The "middle" has become an obsession; most of the contenders are politically more cautious than the President. What they do not seem to grasp—again except for moments of illumination—is that rank-and-file enthusiasm is not essential for the Republicans but is the indispensable ingredient in a Democratic campaign. Democratic Party leaders operate on the premise that young activists, since they constitute a small percentage of the electorate, can and should be ignored. But enthusiasts in politics—at least in Democratic politics—are worth many times their actual numerical strength, if only because they generate interest. It is difficult to get excited about any of the Democratic contenders, McGovern included, however much one may admire them as individual politicians. As a Vice Presidential nominee—it is perhaps unrealistic to think that he might win the Presidential nomination—John Lindsay would be of enormous value to the party because he does attract interest. As of this moment, then, the Democrats should force themselves to look at the emerging political realities. It is true, as Galbraith notes, that Nixon is "a loser who happened to win" in 1968; but the loser may again just happen to win, unless the Democrats can offer nominees and a program that will arouse the voter's imagination and hopes.

The President and the Court

As this is written, it would appear that the President seriously considers designating Sen. Robert C. Byrd of West Virginia to fill one of the two vacancies on the Supreme Court. His name, along with those of five conservative jurists of small attainments, has been submitted to the American Bar Association. These proposals are still at the trial balloon stage, and if the reaction is sharp enough Mr. Nixon may not go through with his sardonic comedy of elevating Senator Byrd. But the fact that the Senator is high on the list of those being discussed is a measure of the President's political cynicism and lack of respect for the Court.

It is a cynical business because the President knows that the nomination would acutely embarrass the Democrats and that in the end Byrd would probably be confirmed. This would provide Nixon with sweet revenge for the rejection of the Haynsworth and Carswell nominations. It would also, at least temporarily, shift a Democratic Senate vote to the Republican column, since West Virginia has a Republican governor. And it would redeem the President's promise to his right-wing constituency to put a "strict constructionist," law-and-order, anti-bussing reactionary on the Court.

To those who might object that Byrd was once a member of the Ku Klux Klan, there could be the malicious retort that so too was Justice Black. But Black was a lawyer with an excellent record in the Senate. Senator Byrd was a one-time organizer for the Klan and, as late as 1946, after he had ceased to be a member (or so he says), he wrote the Imperial Wizard urging an expansion of the Klan in "every state of the union" and inquiring about the possibility of "rebuilding the Klan" in West Virginia. His record in the Senate suggests little more than a wealth of political cunning and diligence in the pursuit of unworthy objectives. But more important, Mr. Nixon has made much in the past of judicial experience as a prerequisite for Supreme Court nominees. Senator Byrd acquired a law school degree after moving to Washington, but he has never practiced law, is not a member of the bar, and has never had judicial experience. Haynsworth and Carswell at least were lawyers and judges.

It would, of course, be futile to appeal to the President on any ground other than political expediency, but one wonders if it has ever occurred to him that the best politics might sometimes be to do the right thing. The nation is indebted to Republican Presidents for some excellent appointments to the Court: to President Coolidge for Harlan Fiske Stone; to Hoover for Benjamin Cardozo, Charles Evans Hughes and Owen Roberts; to Eisenhower for Warren, Brennan, Harlan and Stewart. In retrospect it is obvious that from a political point of view these were wise appointments, in the sense that they reflected credit on the judgments of the Presidents who made them. If President Nixon wants to remove some of the soot that darkens his image, he should give the nation two judicial appointments that measure up to those of Coolidge, Hoover and Eisenhower. Or to narrow the range, he should not aim lower than Burger and Blackmun. If he should insist on Byrd, he will undermine the prestige and standing of the Supreme Court at a critical juncture in the Court and the nation's history. And he can't fail to diminish his own stature still further.

Lethal Blanket

Natural History, the monthly magazine of the American Museum of Natural History, contains an article by Ira J. Winn, ironically titled "Greetings from Los Angeles." It is about smog which, despite some countermeasures, continues to plague the West Coast and to threaten a catastrophe like the one that cost thousands of lives in London in 1952, and on a smaller scale, in Donora, Pa., and elsewhere. Los Angeles may be worse hit because, lying in a basin between the deserts and mountains to the east and the sea to the west, the megalopolis is subject to

COMING NEXT WEEK

A Case for Skepticism

Being a discussion of George Jackson's wig, Stephen Bingham's tape recorder and other awkward details in the official description of what happened at San Quentin Prison on August 21.

By

Alfred H. Sigman

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blankets of hot air which, trapping the exhaust fumes from millions of automobile and truck engines, may form a lethal atmosphere.

In Los Angeles industrial air pollution is a minor factor; 85 per cent of the smog is generated by the internal combustion engines of vehicles. The citizens are annoyed but, as always, complacent. Each neighborhood claims that it is relatively smog-free, although things are pretty bad "over there." Smog is not an accepted topic of polite conversation; one coughs, but doesn't talk about it. One reason for this taboo is that effective anti-smog measures would be bad for business. The automobile is to Los Angeles as the ballistic missile is to the Pentagon—you can't get too much of it. The automobile of course requires the freeway, and more automobiles require still more freeway mileage. As Winn remarks, "Surely, the path to heaven from Los Angeles must be made of concrete, twelve lanes wide."

Public transportation like those old Pacific Electric trolley cars—only now something on the order of San Francisco's BART system would be needed—would mean fewer car sales agencies, lower consumption of gasoline and oil through service stations, fewer highway contracts, etc. In 1970 a proposal got on the ballot that would have allowed—only *allowed*—local governments to allocate a fixed percentage of gasoline tax revenues for research, and for a pilot study of alternatives to the automobile, including mass transit. A "highly financed" propaganda campaign was launched by the Southern California Auto Club, in league with oil, concrete and highway interests, and the proposal was soundly defeated. And the Chamber of Commerce keeps plugging for more population, more water from the north, and more cars.

Even now, according to Winn's figures, with only about 8 million population, on an average day some 26 million pounds (13,000 tons) of smoke and soot are pumped into the Los Angeles air. Imagine what it will be like when, in 1975, the population is expected to total 10 million. The region is not entirely populated by madmen and production of smog has been reduced since 1955 from 4.9 to 3.2 pounds per capita, but a further *radical* reduction will be required if population and automobile registrations continue to rise. Or even if they remain where they are.

Winn has some good ideas for averting catastrophe, as well as some, like the steam engine in place of the internal combustion engine, that may not turn out to be practical. What could be done relatively fast would be to limit the size of cars and engines. Acceleration from standstill on an upgrade would be slower. So what? There would be less smog, in Los Angeles and everywhere else.

Radioactive Tailings

Tailings are the residue of an industrial process, as in mining, where huge piles of debris accumulate near the mine head. Usually these are more a nuisance than a menace, but the mounds accumulated in uranium operations are radioactive. Neglect of their inherent dangers may turn out to be a deadly blunder on the part of the Atomic Energy Commission.

Although the hazard was recognized as early as 1950, it has only recently made the front pages. At first, rivers were occasionally polluted and dust storms carrying radioactivity occurred. These "accidents" were bad enough, but worse was to come. The uranium tailings form a fine gray sand, and sand is valuable to builders for cement and mortar. Since the processing mills were glad to get rid of the stuff, they offered it free, and the builders came with their trucks and carted away thousands of tons. Thus, according to a roundup piece in *The New York Times* (October 3), in the city of Grand Junction, Colo. (population 20,000; with suburbs, 40,000) almost 5,000 locations contain uranium tailings.

The mill operators and the AEC saw no problem in thus disposing of the tailings because the radiation in the sand is at a low level—though persistent. But then, although the radiation level in a uranium mine is low and miners are allowed to work underground only forty hours a week, after fifteen or twenty years they display an abnormally high incidence of lung cancer. The cause is inhalation of radon gas, a decay product of radium. Cancer is the long-term danger; there may also be chromosome damage leading to genetically defective offspring, although the latter has been proved so far only in animal experimentation.

Colorado is not the only state affected; there are nine uranium-mining states in all. Colorado holds the AEC completely responsible. The AEC may have a legal defense: one of its regulations, later incorporated in a federal code, limits its responsibility to "source materials" containing 0.05 per cent concentrations of uranium (and thorium) in ore. The tailings fall below that level, but they are not a source material.

All this gives little comfort to the homeowner who is sitting on a concrete slab, or living above a concrete cellar and foundation, with radon seeping through the walls and floors. Numerous school buildings and other buildings are also involved. In the case of a residence, the average cost of jacking up the building, digging out the basement area, and replacing the radioactive concrete is estimated at $3,220, and may run as high as $15,000. In addition, there is the possibility of damage suits by people who have been exposed to the radioactive tailings for years. All in all, it would seem that the AEC faces some highly "radioactive" consequences.

Champions of Conservation

When Portland General Electric Co. announced two years ago that it would build a nuclear power plant on the Columbia River near Portland, it ran into strong protests from conservationists and environmentalists, radiation scientists and seismologists (the site is on a very pronounced fault). Despite the objections, PGE started construction of its Trojan plant. When a campaign to smear its critics proved unproductive, PGE hoisted itself on the bandwagon, employing a much fattened advertising budget to proclaim itself a champion of environmental purity.

A recent (and typical) ad, with a photo of snowy Mt. Hood, Oregon's tallest peak, reads:

"Oregonians still have one of the country's most livable and enjoyable environments. Now is the time to guard it most zealously. . . . To keep our rivers running clear and clean. . . . To allow Mt. Hood to stand free and un-

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shrouded by man-made fog and smog. . . . To get rid of the rubble, trash, garbage, and junk." And so on, and so on.

Early in October the veil was stripped from PGE's long-suspected hypocrisy. The district attorney of Clackamas County, the county contiguous to Portland in the south, filed a $28.5 million action at law against Portland General Electric Co., and another firm, Crown Zellerbach Co., charging them with killing millions of migrating fish at their West Linn facilities on the Willamette River. PGE operates a hydro plant at historic Willamette Falls, 13 miles south of Portland. Crown Zellerbach has a paper mill there.

Roger Rook, the Clackamas district attorney, who asked the court to award the damages to the state of Oregon, was aided in his long investigation by members of the environmental law section of the Multnomah County (Portland) district attorney's office.

The suit charges that PGE and Crown Zellerbach have diverted, and are continuing to divert, a large portion of the Willamette River flow through man-made channels to provide energy to hydroturbines. During peak migration periods "large numbers of juvenile silver salmon, chinook salmon and steelhead trout under 15 inches in length enter industrial water intakes and are destroyed," the complaint contends. It goes on to state that PGE and Crown Zellerbach knowingly and unlawfully have killed at least 5.707 million small salmon and steelhead since January 1, 1966.

Remedial steps are available to both firms, as fishermen and conservationists have pointed out for several years, but, so Rook declared, the firms have refused to take advantage of them.

One wonders what Portland General Electric will say now in its ads, but it is a safe wager that it will continue to pose as a champion of conservation. All it need do is boost its advertising-PR budget once again, hire a few more writers of vivid prose, and keep warning Oregonians that, if they want to keep their state clean, they must "get rid of the rubble, trash, garbage, and junk."

JAY ROCKEFELLER

A BREAK FOR WEST VIRGINIA

W. E. CHILTON III
Mr. Chilton is publisher of the Charleston (W. Va.) Gazette.

Charleston, W.Va.

John Davison Rockefeller IV, West Virginia's Secretary of State and a Democrat, hasn't announced formally that he will seek to be the twenty-ninth governor of his adopted state. But he has said repeatedly that, were he leaning any further in that direction, he would be lying on the ground. And several weeks ago he declared that under no circumstances would he try for the seat of his fellow Democrat, Jennings Randolph, in the U.S. Senate.

Whether or not the state's senior Senator runs for reelection will affect the plans of Arch A. Moore, Jr., the second Republican to occupy the Governor's office since 1932. The Governor, West Virginia's Mr. Republican, enjoys anecdotes about his ability to walk on water. Capable, cunning, cocky, charming when he wants to be, unscrupulous, a speaker whose thunderous, machine-gun delivery camouflages paucity of thought as well as misstatements of fact (to place the kindest interpretation upon his more outrageous contentions), Governor Moore is probably the hardest working head of a state in the nation. That may be one reason why his fellow executives last month elected him chairman of the 1972 National Governors' Conference.

A single example should suffice to show how Moore operates: the back end of Charleston, state capital, was doomed to be torn apart for urban renewal, a water treatment plant and an interstate highway. The natives had long been restless. Governor Moore arrived with aides, plus his highway commissioner, marched through the district, shaking hands, answering questions, offering advice, extending promises, and snapping off orders to assistants. He ordered the road commissioner to move in seventy-five trailers, by nightfall if possible, to reduce relocation distress. That was in August of 1969. The trailers never materialized. Indeed, nothing resulted from the great man's visit, but as an exercise in public relations activism the tour was another Arch Moore triumph.

A former member of the House of Representatives—the lone Republican in a Democratic delegation—Governor Moore prefers Washington to Charleston. Months before announcing for governor, he told ex-reporter Harry Ernst of the Charleston *Gazette* that what he really coveted was a Senatorial toga, but to realize that objective he had to be governor first. At that time West Virginia governors couldn't succeed themselves; thanks to a constitutional amendment, they now can. Nevertheless, it's unlikely that Moore wants another four years of parochial headaches, coupled with two opposition party legislative bodies—even assuming that he could trounce Rockefeller, whom he delights in criticizing.

No other Republican has a prayer against Rockefeller. If Moore ducks that challenge to combat Randolph, he won't endear himself to party stalwarts. If he goes for a vacated U.S. Senate seat, however, although he thereby bequeaths the governorship to Rockefeller, he will be attempting to diminish the majority party's power in Washington—an endeavor acceptable to party faithfuls. So far, Moore has kept his own counsel. He probably doesn't know which office he'll file for and won't know until Randolph decides. And there is now the possibility that Mr. Nixon will appoint West Virginia's other Senator, Robert Byrd, to the Supreme Court, which would also open the road to Washington for Moore. If that happens, America's embarrassment will be West Virginia's gain, for it would almost certainly assure Rockefeller's election as governor.

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Rockefeller is convinced that Moore will be his opponent. He foresees a close fight, much more even than he had previously thought. (He could lose, and the prospect sends shivers up the spines of the Democrats, who consider the transplanted New Yorker their sole hope to rescue their party's sadly soiled record of state stewardship.)

Several polls suggest a squeaky Rockefeller victory; none falls outside the margin of error. Furthermore, many of the old-line Democratic politicals, accustomed to reigning in the style of a Suleiman the Magnificent, may decide that a continuation of Arch Moore would cause them less pain than a victory by a "rich young punk" who refuses to call VISTA volunteers hirelings of the Kremlin; who thinks, as Robert Kennedy did, that it's obscene that some children don't attend public school for lack of passable roads up inaccessible hollows, and who wants to keep what's left of the state's awe-inspiring wilderness pristine and safe from the curse of strip mining.

At the last legislative session Rockefeller endorsed a bill to prohibit strip mining two years hence. It was crushed, but strip miners have no relish for a Governor Rockefeller. He might not be able to proscribe their operations, but strict enforcement of existing law could chase many strippers elsewhere.

Also certain to suspect a Governor Rockefeller are numerous businessmen. He's no radical—not with that name—but he has tax ideas that fail to draw applause in the locker rooms of private clubs. Moreover, a conservationist wouldn't load regulatory commissions with the captains or sycophants of industry.

As a member of the House of Delegates—today as elected secretary of state, whose duties are described in the phrase: "Keeper of the Great Seal"—Rockefeller has been an eager student of government and of politics. He surrounds himself with knowledgeable assistants, welcomes controversy, weighs thorny issues thoughtfully (perhaps too thoughtfully), and is not afraid to speak out once he's made up his mind. The state office is managed efficiently by a staff of enthusiasts for good government—some of whose tax-paid salaries are augmented handsomely out of Rockefeller's personal fortune.

In addition, he pays for a second office of some twenty persons, separate from and largely independent of his state office. There, a top-flight economist studies the state's economy; one day, presumably, he will draft a blueprint designed to propel West Virginia into the mainstream of American affluence. Other experts study sundry problems affecting the state's present condition and future prospects. Rockefeller doesn't hesitate to hire brain power when he thinks it is needed.

Each staff includes several politically motivated individuals, but until several months ago there was none with the qualification of "old-style" politician. To repair that deficiency, Rockefeller has employed Robert P. McDonough, John F. Kennedy's trusted West Virginia adviser. McDonough is expected to inform Rockefeller who is for and who is "agin" him in the forthcoming primary and general election, and to enlist supporters whom Rockefeller either wouldn't want to or couldn't recruit himself. Such a man was doubtless needed, but McDonough's appointment played to mixed reviews.

The head of the West Virginia AFL-CIO, Miles Stanley, whose nose "has been bloodied by Arch more times than I care to remember," told me: "It's the best thing [Rockefeller's] done. Bob's the only pro he's got."

But McDonough isn't universally admired. He took bankruptcy eight years after borrowing $336,500 from the Small Business Administration. The loan was arranged a few months after President Kennedy took office. To young idealists that isn't the kind of political squire their knight-errant ought to employ. (One idealist on the Rockefeller payroll quit immediately after the appointment.)

Lord knows, West Virginia has for too long been governed by rascals, but McDonough, whatever his shortcomings, isn't dishonest. Since 1966, some two dozen federal and state grand juries have returned hundreds of indictments for assorted crimes against the public interest. Not a hint of scandal has touched McDonough, and the truth is, had he been the scoundrel his detractors assert he is, his two printing plants wouldn't have gone bankrupt. They would have acquired all the state's business and prospered as did so many easily corrupted enterprises during the Wally Barron years. (Ex-Governor Barron is now in a federal penitentiary after confessing that he bribed a federal juror.)

For unknown numbers of state residents the McDonough hiring proves that Rockefeller is as morally fallible as he is politically ambitious. Yet in pursuing his ambitions, he hasn't—to date, anyway—allied himself with the entrenched local Democratic machines of the southern counties, most of which are venal, vicious and vacuous. Rather

Dent, Charleston Gazette

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he earned their hatred by purging registration rolls of ineligible voters (a responsibility of his office which heretofore was studiously avoided, on the principle that Democrats shouldn't disenfranchise Democrats, regardless of what the law required), and by endorsing and funding candidates known to be opposed to these rotten-borough organizations. He also fought fiercely for a packet of honest ballot laws. Noah Floyd, chairman of a state Senate committee and a law unto himself in McDowell County, sabotaged one reform. Rockefeller was credited with engineering his defeat in the 1970 primary.

Time alone will determine if Jay, as he is called by almost every West Virginian, will be the first Rockefeller and first resident of West Virginia to be President. If that is his goal, so he's been advised by more than one political savant, his third step toward it ought to be in any direction except the one he now seems to be taking. Governor of West Virginia? The problems are myriad and monumental; money is scarce, the legislature is difficult, and the electorate apathetic. There is everything to lose and little to gain directing a state whose electoral wallop lacks the authority of a charging butterfly.

But the argument can be turned around: West Virginia having no national punch, Rockefeller's success or failure as its governor will have small bearing on his Presidential opportunities. In asking to be governor, Rockefeller is being courageous and principled. A Charleston industrialist and former Republican member of the state Board of Education, Joseph Jefferds, was present recently at a conference Rockefeller held with four economists. Jefferds told me that the purpose of the whole meeting could be described in a question Rockefeller persistently asked: "What can I do in eight years [as governor] to help West Virginia?" In this historically ill-governed state that is a unique approach.

At this point in his political career, Rockefeller can obviously do far more for the ordinary West Virginian by presiding over the state capitol than by sitting in Congress. If he's elected governor, he will enter office his own man, largely free of the obligations whereby business, labor, industry and other special interest groups hobble public servants. Until Rockefeller, for example, the AFL-CIO and the UMW didn't confer before primaries and elections. Now these two powerful unions, along with several others, conduct a statewide war council and try to work out differences.

While preparing an article for his paper's Sunday magazine, Richard Reeves, who during his years with *The New York Times* has encountered all manner of American politician, told me that Rockefeller was "the most honest politician" he had ever met—"too honest," he added, "for his own good." Reeves was one of those who thought that Rockefeller shouldn't run for governor, and that was at a time he looked to be a shoo-in.

Ironically, with Arch Moore for an opponent—but no one else—Rockefeller may be forced, for the next four years anyway, to take the advice of the many persons who cautioned him against being governor.

What then? I asked him that question. As a West Virginian who thinks that the state is lucky to have him, I was happy to hear him say that he intends to live here, no matter what happens politically. That means that this state's Democratic Party, which for much too long has served the public in the horseman's sense of the word, will have to take Rockefeller and his machine into account. That way it may learn what real public service is all about. □

NARCOTICS SQUAD

THE GOLDEN ARM OF THE LAW

WILLIAM P. BROWN
Mr. Brown, a retired inspector of the New York City police, teaches at the school of Criminal Justice, State University of New York (Albany).

Diane was an attractive young divorcée with two children, a fiancé and a drug addiction problem. John, the young man, talked the matter over with Diane's parents and they agreed that only drastic steps could help. He went to the police narcotics division office, reported Diane to Patrolman X and helped X to arrest her. It was a bitter course of action, but John reasoned that it would mean for her compulsory treatment and a new life.

The new life came, all right, but its main feature was Patrolman X. He saw Diane every day or so, having listed her officially as an informer so that the continuing association would not be questioned. It soon became apparent that he was supplying her with narcotics. When John complained to Patrolman X, he was beaten up and threatened with having his head blown off. Soon thereafter, another patrolman, Y, began to come around, also supplying Diane with narcotics and enjoying her company. A short time later, X introduced Diane to "Solly," a narcotics wholesaler. They told her that they had 100 bags of heroin which she was to sell. When she protested, she was told to cooperate or they would "take care of her kids."

The proceeds from the sale were split three ways among Diane, Patrolman X and Solly who—it later turned out—was another narcotics officer. When an official complaint was made, the plot turned even thicker. The policemen partners in crime kidnapped Diane and held her in an apartment for several days in a futile attempt to stop the investigation.

It is encouraging to report that X, Y and Solly went to prison for their actions, but the extraordinary fact is that so bizarre and cruel a crime can occur. Yet it and other recent drug-related incidents, in which policemen

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acted as thieves, extortionists or narcotics sellers, were put into the public record at hearings conducted by the New York State Investigation Commission in New York City during April 1971. Officials of the New York City Police Department cooperated fully with the investigation. Donald F. Cawley, then commanding the Inspection Division of New York City's Police Department (he is now Chief of Patrol), testified that more corruption originates today from narcotics involvement than from any other source.

Police morale is only part of the drug picture. American troops in Vietnam, now returning home, have been infected in epidemic proportion; the generation gap seems widest over the issue of drug restrictions and there are estimates that up to 20 million of our youths have used at least marijuana—an activity which is labeled as criminal and vigorously prosecuted as such.

Changes are occurring in the once-loose world of the drug salesman. One hears rumors of new criminal organizations coalescing around narcotics distribution. The word in from the campus centers is that drug peddling is no longer an informal matter which any young entrepreneur can blithely try for fun and profit. The hijacking of small dealers has become common, and tough men—well protected—are beginning to emerge as the local campus distributors.

The same decline in golden opportunities for ambitious youth is being noted in amateur smuggling. A *New York Times* article of June 27 spoke of the 1,189 Americans in prison or awaiting trial in foreign countries. Of these, 747 were under custody for narcotics offenses. Information comes also from a different source. The underground press has been noting that the youngster who goes to some glamorous foreign city to buy the kilo that promises amazing profit has about equal possibility of being "ripped off" by criminals or caught by the customs officers. In either case, the chances are good that the smuggler was spotted on a tip from the seller. Competition between the forces of law and of lawlessness for such information is brisk enough that whether the traveler in contraband winds up in a Tijuana alley or before a federal commissioner is largely a matter of the economics of information. The lesson is clear: the day of the amateur dealer is over and the push is toward organization.

Unfortunately, the pressure for narcotics that is pulling crime into new forms of organization, is also breaking up the police. There have been some notable exceptions: the federal-local strike forces, with their pooled information and manpower, have made impressive seizures and arrests, and one can assume even greater effectiveness in the future. The sad fact, however, is that these rather glamorous forays constitute only a small part of the total police activity against narcotics violations. The major, more routine, day-to-day work is so structured that it automatically fragments a narcotics division and drives it into a position where illegal action may be easy and legal action difficult, even close to impossible.

The usual official statement divides the world of narcotics offenders into users and dealers, the former pathetic, the latter hard and evil. In practice, one can elaborate on that distinction. Real sellers are not only evil; they're hard to catch and they comprise by far the smallest segment of the narcotics arrests. Users are not only pathetic; they're very easy to arrest and they comprise the bulk of the catch. No one has given a very convincing argument for concentrating on the users, other than that sometimes they can be made to supply information. Certainly we don't rehabilitate them, and arresting them has done very little indeed to cleanse a community of narcotics.

When it comes to the dealers, the conventional script describes them all as being of the same stripe, and it is assumed that every arrest of a dealer is a blow to organized narcotics crime. Although that is the only view that could validate the common police practice of case-by-case enforcement, it is sadly unsophisticated. A large —though difficult to determine—number of those arrested for selling drugs are "accommodation" or "subsistence" sellers, people who sell only small quantities, either to accommodate a friend (who may turn out to be a police agent) or on a rather infrequent basis to support their own habit.

Some of those arrested are ambitious greenhorns. The college youth who buys a supply of marijuana or even of heroin with dreams of setting himself up as campus distributor is one such person, as is the "alienated" type, who believes he can take $1,000 down below the border and come back with enough drugs to become a big operator.

The amateur dealer is a criminal, but hardly a master or important criminal. He does stupid things; he has no background in crime; he doesn't know how to deal with the realities of an arrest or an interrogation. He's likely to be bright, educated, contemptuous of law officials and the law, and totally unequipped to survive in a very tough game. He is a lone and ineffective operator against whom organized crime and organized law enforcement are allied. When he plays the criminal, he deserves to be treated as such; but aside from his naïveté he differs from the professional in one important respect: the pressures on his life are such that maturity may push him back into the square world, especially if drug dealing does not yield fun, profit or a criminal label.

These "accommodation," "subsistence" and "amateur" dealers perform one important function. They supply law officials with closed cases, results. If it weren't for them, police efforts against narcotics offenses would look very unproductive.

The real problem is the professional. He corrupts and he combines with others in criminal conspiracies and organizations. He may have little formal education, but he usually knows his business and he pursues it seriously. He never makes the mistake of personally attacking the police. Operating in the narcotics or gambling field, he must know the system, including the basic fact that since he is running an ongoing criminal activity that involves sustained contact with many people, he must corrupt the cops to enjoy any security. He can be seriously endangered only by organized effort.

However, America's police agencies were founded in a day when their task was seen as that of reacting to isolated events which disturbed the order of the community, and in a society simple enough so that this activity was adequate to maintain the peace. The present situation is

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utterly different, but police work is still largely a matter of individual battles against individual criminals over individual crimes. Detective A listens to a complaint, investigates, makes an arrest if circumstances warrant, and closes the case. Detective B "catches" and processes the next case. Following this route, police departments and policemen individually see their work as the total of all the small tasks performed by the multitudes of "detectives A and B." Narcotics sales, for example, are recorded as though they were all the same kind of operation. The overall picture is given in terms of (*1*) *the number of crimes committed*; that is, narcotics sales reported (usually as compared to the number reported in the previous year); (*2*) *the number of arrests*; often given as a percentage of complaints, to achieve an index called the arrest rate (the index is much better for narcotics sales than for most crimes, because few such sales are reported unless an arrest is made, whereas the police are notified of most burglaries or other serious "victim crimes"), and (*3*) *conviction rate*; that is, the percentage of convictions to arrests.

Instead of seeing all-important patterns, the viewer dealing with such statistical information sees thousands of isolated, indistinguishable incidents. The criteria of good police performance become much clearer and easier to express than they should be. The police look better under the following circumstances: if fewer crimes are reported —whether or not fewer crimes occur; if a greater number of arrests are made—whether or not the arrests are of important criminals; if there is a higher percentage of convictions—whether or not the convictions are for important crimes or of important criminals. The emphasis, in other words, is on quantity rather than quality.

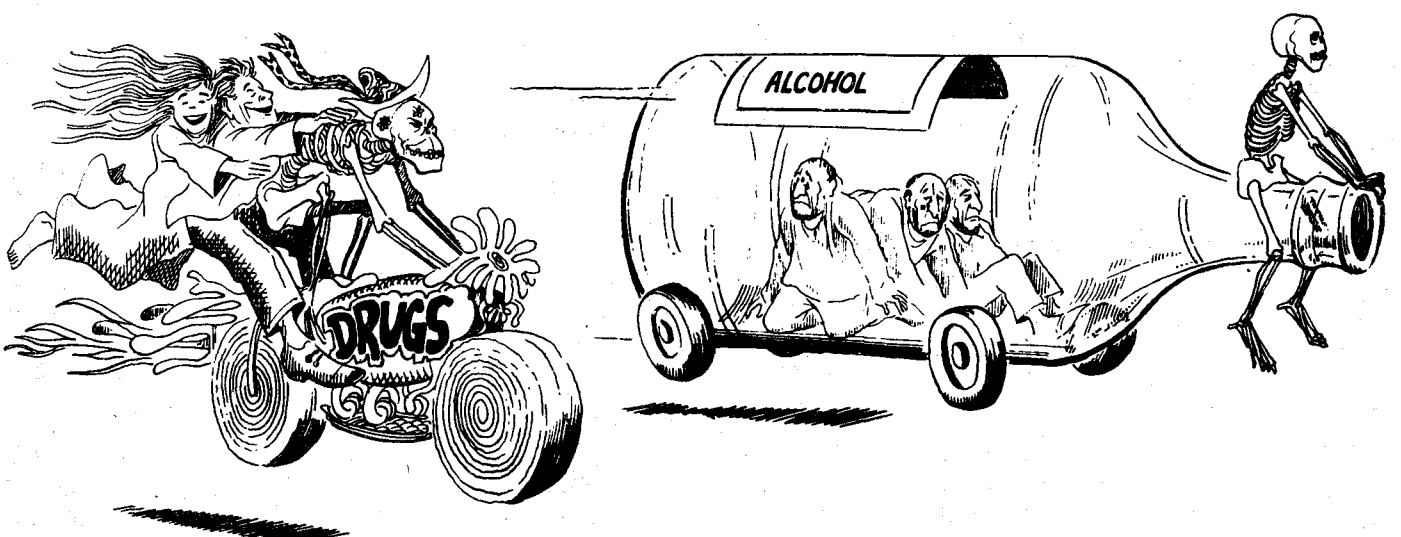
This approach means low police efficiency, even when the crimes are related only because common pressures influence the personally unrelated victims or offenders. It is important, even then, to see the existence and significance of trends or of factors newly emerging. But when the crimes or the criminals are related by organized activity, police failure to note the connections utterly frustrates anti-crime activity, since the organization is always much more important than any of the individual crimes it commits. Law-enforcement agencies have finally realized this with respect to gambling offenses, but they know much more about the gambling organizations than they do about those in narcotics.

Beyond the obvious problem of never seeing the overall picture, police operations are seriously distorted by the "case-by-case" approach. To begin with, each investigator controls his own investigations, develops his own sources of information, and quite frequently his private files. A narcotics unit working under such ground rules is not an organization directed to controlling narcotics sales. It is a grouping of individuals, each licensed to fish in the sea of narcotics crime.

The other side of this coin is that the investigator is judged as an individual producer rather than as the member of a team. Combine that with the quantity-over-quality emphasis and it becomes obvious that he must be concerned more with his "batting average" than with the needs of the community. *The pressure on the investigator is not to eradicate or reduce crime but to develop his relationship to it so that he can secure the number of arrests and convictions that will prove him to be a good performer.*

Possibly the most serious weakness of the case-by-case approach is that it transfers the really difficult problems and decisions about crime control from the police administration to the individual officer. Ten years ago, before the *Mapp* decision, when illegal law enforcement was both "legal and demanded" in half the United States (New York included), the police administrator did not want to be told of illegal searches or kicked-in doors. Except for third-degree tactics, police illegality "in the line of duty" did not matter as long as the policemen wound up with the evidence.

The great number of Supreme Court-originated restrictions which were established during the last ten years changed the long-existing pattern of arrests, searches, evidence, convictions and police accountability. In *Mapp*, the Court found that evidence tainted by illegal arrest procedures could not be accepted, as it had been accepted in almost half our states, particularly for vice, gambling



Vadillo, Siempre (Mexico)

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and drug arrests. It is probably impossible for the average person to recognize the degree to which day-to-day police operations against crimes in those areas were affected. I was in charge of a midtown Manhattan patrol division at that time and I saw case after case thrown out of court. We searched frantically for ways to bolster those plummeting conviction rates.

In retrospect, the real problem of that period was that the individual policeman of average background and training was asked to make, on the spot, decisions of the sort that police administrators and the courts were agonizing over in the process of adjusting police department policies to new legal criteria. Certainly, those of us who led the police in those days couldn't give them guidelines for legal day-to-day operations. All we could ask for were results. I know that the consequent pressure meant that questionable tactics were used. I would like to believe that the men acted illegally only for good objectives and that they were personally unstained. But I wonder.

In the field of drug law enforcement the case-by-case approach raises new, unpleasant problems. For a start, the lone or paired investigator is forced by his limited resources to concentrate on relatively easy arrests, the users and the nonprofessional dealers. In the police tradition, he relies heavily on criminal informants, and the most available source of information is the user who is at least a small-time seller. Sometimes such a contact occurs through the official trade-off routine—"We arrested X for selling and we're asking for leniency on the ground that he cooperates." That relationship arises often, but it is of relatively brief duration, and few of the users who can be arrested are really good potential informants. A valuable informant, one with whom a long-time relationship is worth establishing, has a lot to offer, and members of a detective's own squad, as well as of other federal, state and local narcotics units, are in competition for his services. If the policeman is to get information of value, and even if he follows the most stringent professional guidelines that have been proposed, he must pay well and he knows that the payment money will go into narcotics.

In theory, the agent pays for the information and the informant knows that he will be arrested if the agent gets wind of any further narcotics violation on his part. Practically, such a position is so unrealistic that it borders on the ridiculous. Consider the following factors:

¶ Good information always justifies giving immunity to a user, and this ordinarily covers at least some sales activity. In some departments, such immunity will only be from arrest by members of the drug squad or even from arrest by the officer or team with whom the informant works; but immunity usually stretches with the value of the information.

¶ Most police agencies authorize only very small expense accounts, and in the absence of big money the most acceptable medium of payment is drugs. That is particularly true when a fairly big case is in the offing. It is difficult to conceive of a situation wherein a sophisticated informant knew that a substantial seizure of drugs was likely to result from his information and, as long as he had a few hours to make the contacts, did not arrange to receive a portion of contraband as his payment. Compared to an ounce of heroin, any conceivable money payment for information is trivial.

¶ Once an officer starts paying in narcotics, he must get them from somewhere. On an occasional basis, associates may help. The hearings of the New York State Commission on Investigation elicited from several police witnesses the statement that an officer needing narcotics could ordinarily get them from another member of the squad. For continuing needs, however, it would seem that only two sources are available: the officer may confiscate drugs from a user or seller and let him go, or he can hold out on evidence. Obviously, the drugs supplied as a favor by other officers must have come from similar sources.

The nature of narcotics adds another element to the ethical problems that always arise where there is a continuing association between the police and a criminal group. A certain corrosion comes from all such "business" contacts, but, while other criminals have only a professional interest in their dealings with the police, police pressure or tolerance literally means the difference between what the addict accepts as a good life and the hell of drug deprivation. People who have worked with intelligent and aggressive addicts speak of their cunning, their single-mindedness and their absolute amorality where their drug supply is involved. It is difficult even for a medical professional to deal with such people without being manipulated. The investigator—with a tradition and with possibilities for taking criminal advantage much greater than those afforded the therapist—is more prone to, possibly eager for, seduction.

Opposing such pressures are very few guidelines for proper conduct of narcotics law enforcement. Narcotics units have proliferated so rapidly that there has been no chance for an unofficial ethic of good practice to develop and, for reasons which have been discussed, very little ethical guidance has been available from above. What with the officer's power over the addict, the addict's desperate and single-minded attention to his own need, and the standard practice which places the policeman who has a narcotics assignment in a continuing illegal relationship with a series of user/seller informants, the overall risk for the honest policeman is like that of living in a leper colony—infection may not occur but the possibility is extremely high.

How to emerge from the social damage of the narcotics traffic and the futility of the present struggle to end it? The first need is perspective. We must stop seeing the narcotics problem as one big issue, whose only alternatives are to give up and resign ourselves to absolute debauchery or to continue on the sterile road of blindly stiffening narcotics law penalties and increasing police budgets for more of the enforcement practices that have been used in the past. We must separate the questions of moral judgment from the questions of necessary social control.

We might start by considering whether we can afford to criminalize more than 10 per cent of our population —and that 10 per cent including a large percentage of the youth of our country—through the continued enforcement of the marijuana usage laws. Freed of that enforce-

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ment, we should no longer be haunted by the realization that about half of our young adult sons and daughters have a high probability of being among those arrested during the next year. Without that enforcement, the police could initiate a positive relationship with the young, who are also among their employers. It should be made clear that the important questions are not, "Should we legalize marijuana usage?" or "Is marijuana harmful, immoral, etc.?" They are rather, "How is the state to use its scarce and very expensive police and corrections resources"; "how can it concentrate on the most serious problems"; "how can the police gain public support?"

We might even inquire whether the arrest of narcotics users is justified—even though they sometimes give information—until we begin rehabilitation programs which at present are not even envisioned. After thirty years in the field, I still don't see anything other than "get-rid-of-the-derelicts" or "make-addiction-unpleasant" benefits. We've spent a lot of money to prove that even those inhumane results are not achieved.

I should make it clear that I'm only against arresting addicts as addicts. A great part of the total number of crimes for profit are committed by addicts to meet their needs. There are probably important ways whereby these drug-motivated crimes could be tackled with some effect, but we don't get at the problem by locking up the users in the conventional fashion.

Obviously, if drug usage were made noncriminal, more addicts would be willing to accept guidance and enter such programs as methadone maintenance, which could reduce their need to commit crime. This is no longer the position of wide-eyed idealism. Even such a relatively conservative organization as the National Council on Crime and Delinquency has taken the position that "crimes without victims" should be removed from the statute books.

One intermediate step might be for the police to get the kind of executive direction that would allow them to stop enforcing some of these laws, at least those relating to marijuana. Something very similar to this was done in New York City in 1969 when, at Mayor Lindsay's direction, the police abandoned their long-established custom of seeking out homosexuals to arrest. By the mere fact that police no longer appeared as complainants in such cases, a large amount of enforcement energy could be directed to other activities. The New York City Department may already have taken a step in this direction with respect to narcotics enforcement, since there has been recently a noticeable decline in user arrests.

A second step—a real possibility only if user arrests are de-emphasized—would be to start actively investigating other than police approaches to nonprofessional drug dealing and, in a broader perspective, the whole question of youth culture drug usage. These problems are much bigger than mere policing issues, and we are certain to lose as long as we keep trying to answer them only in terms of crime control. Such an approach would involve much work with the universities, to determine the best possible means of enlisting campus communities and the youth communities against drug usage. It would be a waste of time, however, to take such an approach against the smoking of marijuana.

At the heart of the issue is the desperate need that law-enforcement authorities give us a realistic picture of the problems they face and the actions they take. How much money is spent on marijuana enforcement or drug-user arrests? How many arrests are being made for the one or two marijuana cigarettes found after a search, "with permission," of a car driven by a long-haired youngster? Do police administrations have a complete, objective overview of the narcotics problem or are they waiting blindly for the next scandal to emerge?

The evidence is strong that any large group of narcotics enforcement officers, dealing as individuals with "small-fry" users and dealers, are vulnerable to corruption, and it can almost be guaranteed that they will do nothing to cure the basic narcotics problem. New York City has been tarred by an investigation which could probably have been duplicated wherever there is a major narcotics problem. In some measure, scandals will surface in any city where the police use the case-by-case approach to narcotics law enforcement. Anything that an individual can do, working by himself in this area, is probably hardly worth doing. Certainly, it could be done a lot better by organized, directed and responsibly controlled investigation.

Specifically, what would be involved in such a change of policy by police administration? First, investigators now working on their own would be grouped and assigned to cases or information-gathering needs at the direction of their supervisors. They would not be independent operators.

Every arrest and lead would be milked for its content of information and that content analyzed and recorded. Policies as to enforcement emphasis should be based on such analysis, with special attention going to the organized criminals. An important part of such a system would be to define a workable distinction between professionals and nonprofessionals (the "accommodators," the "subsisters," the "amateurs") among those suspected or arrested for drug abuse.

For the unorganized—usually unimportant—dealers and the drug user, a sampling, quality-control type of police activity might be used. The massive and heavy, follow-every-lead-at-whatever-cost procedure, which is properly used against professionals engaged in an organized criminal activity, is not justified for the nonprofessional. It should be remembered that it is just as useful to frighten or coax the nonprofessional out of the criminal area as it is to arrest him. And as previously noted, there should at the same time be a strong emphasis on non-police approaches.

Noncriminal sources of information on users and nonprofessional criminals would be stressed and developed more than professional informants. Nothing would be

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done to block information that professional criminals wished to supply about their nonprofessional competitors; the difference would be that no police favors would be paid for such information.

Regional or even greater federal emphasis seems clearly indicated. There are implications even at the international level. Only a few weeks ago forty-five members of an international narcotics organization which had sent large amounts of heroin into the United States were arrested in Europe on the basis of information developed by U.S. agents. Most of these criminals never left Europe and would have been absolutely unreachable by the United States without foreign police and judicial cooperation.

That, then, is the challenge: either police administration accepts the responsibility for the reasoned, sophisticated control of narcotics law enforcement, or it accepts responsibility for continued inefficiency with regard to the important criminals, continued overstress on nonprofessional criminals, and corruption on a scale that no body of public servants can endure. □

PHILADELPHIA'S RIZZO

THE NIGHT-STICK CANDIDATE

GENE GILMORE
Mr. Gilmore, who teaches journalism at the University of Illinois, worked as copy editor last summer on the Philadelphia Bulletin.

News photos in recent years have shown Philadelphia's 240-pound police commissioner, Frank Rizzo, with a night stick dangling from his cummerbund. Other pictures have shown him ordering Black Panthers to strip on a public street while their clothing was searched. At about the same time Rizzo challenged the Panthers to a gunfight.

These actions are a few of dozens that have stamped him as a big law and order man—and on that one issue he is expected to ride into City Hall within a few weeks as the new Mayor of the nation's fourth largest city.

There are other reasons why he is favored:

Philadelphia has a 3-to-2 Democratic registration edge and Rizzo is a Democrat; labor, which is strong in the city, gives him hearty support; the law and order appeal scoops up racists, but it also attracts whites—and some blacks—who just plain fear for their lives.

Rizzo is smart enough to speak only before his own supporters; he knows that in a hostile environment he might lose his temper—and a number of votes. His experienced advisers tell him the election is in the bag; all he needs to do is say nice things and shake a lot of hands.

Rizzo projects forcefulness, confidence and energy. He is almost worshiped by his fellow Italians, who are numerous, and by others who think a tough guy will solve the city's problems. He has one other major asset, his Republican opponent, Thacher Longstreth. Everyone concedes that Longstreth is a decent fellow who probably would make a pretty fair mayor. But it is hard to find where he stands on much of anything. "He doesn't have much charisma," one observer said, "but charisma is the best thing he's got."

Longstreth is a former city councilman who ran for mayor sixteen years ago, when he was 34, and got walloped by Richardson Dilworth. Dilworth, who is appalled by Rizzo, is supporting Longstreth, but that may not do Longstreth much good. Dilworth isn't as popular as he once was and, besides, liberals already have decided to vote for Longstreth. The ADA announced support for him in midsummer. Milton Shapp, the maverick Democratic Governor of Pennsylvania, supported a Rizzo opponent in the primary and has said nothing about Rizzo since. The implication is that he favors Longstreth.

Longstreth started his campaign by running against Mayor James Tate, who did not seek re-election. Tate had tried to emulate Chicago's Mayor Richard Daley, but he never has been able to do much more than try. He shows

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up as a vindictive and inept man who botches the job of being an old-line machine boss. Rizzo was handpicked by Tate and perhaps it was natural to try to beat Rizzo by hanging Tate around his neck. But Rizzo neatly slipped the noose.

Mrs. Longstreth is in the real estate business. In a shabby move, city inspectors went to her properties and listed housing violations. Most of the complaints were trivial—such as a broken sash cord—and much of the city's population thought it was a cheap trick. Rizzo quickly said he thought so, too, and that he wouldn't do such petty things when he is mayor. That scored several points for Rizzo and ended the attempt to beat Rizzo by attacking Tate.

The rest of the campaign is likely to be warmed-over summer electioneering. Each candidate will snipe at the other with press releases. Longstreth will try to lure Rizzo into public debate and Rizzo will resist. Rizzo will submit to one televised debate, but the questions will be launched by three TV news anchor men, who tend to be better performers than newsmen. Rizzo's aides are sure that their man can slide through one such airing without serious blunder.

Rizzo will keep burnishing his law and order image and Longstreth will keep trying to find some issue that will attract voters. Meanwhile the city will continue to build a lot of glossy structures in the heart of town, while the rest of the community gets dirtier, more violent and more discontented.

While Rizzo is the favorite, a few questions remain about the outcome. The real unknown factors are how the black and the young will vote. Young people registered in sizable numbers before the mid-September deadline, but there is no evidence that there are enough new voters to be a threat to Rizzo.

The blacks are another matter. In the primary, Rizzo took 176,000 votes—half the total. Rep. William Green, after a late and somewhat clumsy start, got 127,000 white liberal votes and State Rep. Hardy Williams, a black, got 45,000 votes, most of them black. About 900,000 are eligible to vote in the general election.

If all those who did not back Rizzo in the primary vote Republican, the winner will be Longstreth. But not all of Green's supporters are going to switch parties and neither will all the blacks. Sixteen Democratic ward leaders are black and they know their futures do not lie with the Republicans. They may not work hard for Rizzo but they aren't going to lead any revolt.

In addition, the Philadelphia Democratic machine, while needing oil, still knows how to offer a judgeship or a scholarship to quell the wrath of those threatening mutiny. On top of all these probabilities, it is likely that some Republicans are going to think that Longstreth is soft on crime and give Rizzo their votes.

So when the ballots are tallied it is almost certain that somewhat more than half of the voters will be celebrating the election of tough-talking, tough-acting Frank Rizzo. The next four years do not promise to be brotherly or loving in Philadelphia. □

The Communist Parties of Israel

WILLIAM A. BRANNIGAN
Mr. Brannigan, a correspondent for the American Broadcasting Company, returned earlier this year from a seven-month assignment in the Middle East, primarily in Israel.

For a brief time this spring, diplomatic and journalistic channels were buzzing with speculation that the Soviet Union and Israel were considering the re-establishment of diplomatic relations, broken in the wake of the Six Day War of 1967. One motive suggested for Moscow's interest in the move was that it would give a vantage point, inside Israel, for keeping an eye on Israel's military posture and popular mood.

But the Russians already have channels of communications inside Israel, and the Kremlin leaders undoubtedly received much information about Israel at the Communist Party Congress of last March—from two Israelis themselves, delegates to the congress from Israel's own Communist Party.

Despite the frequent protests made against Russia's official attitude toward its Jewish minority, and despite the constantly deepening Soviet influence in and support for the Arab world, the Communist Party functions in Israel, nominates candidates for office, and in general enjoys more political freedom of action there than it does in many of the Arab states that oppose Israel and receive extensive Soviet assistance. Moreover, and reflecting the persistently factional nature of Israeli politics, there is not just one Communist Party but two. In Israel's current parliament (the Knesset) there are four "Communist" seats out of a total of 120.

The parent organization of today's Communist Parties in Israel was recognized by the Comintern in 1919; it was known then as the Palestine Communist Party. In the early years, Jews dominated the leadership, although Arabs were members as well. Jewish membership stayed with the party even during Stalin's short-lived pact with Hitler.

Communism was certainly not a political anomaly in pre-independence Israel. From the earliest days of Jewish resettlement, even before the Bolsheviks took power in Russia, radical-Socialist utopian ideology rivaled, and in some instances prevailed over, religious and historical sentiment as a motivation for returning to the mother country. The early Marxist-collectivist orientation persists in Israeli society to the present day, in institutions such as the *kibbutz,* in the central political and entrepreneurial position occupied by the Histadrut, the labor federation, in the extensive role played by government in

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commerce, housing and welfare in general. Despite the ever growing proportion of *sabras* (native born) in the population, the "Eastern establishment" (Eastern European establishment, that is) whose youthful fervor for egalitarian communal society has diminished only slightly over the years, continues to dominate the politics of the country. And even the emerging *sabra* political leadership is often a product of the communal or cooperative settlements (both Defense Minister Moshe Dayan and Deputy Prime Minister Yigal Allon were born on *kibbutz* settlements).

Over the years, the USSR has manifested a wildly fluctuating attitude toward Zionism, toward the Palestinian—now Israeli—Communist Party, and toward the state of Israel itself. The Bolsheviks, sounding calls for worldwide self-determination and anti-colonialism even as they were trying to consolidate their own rule in Russia, supported the idea of a Jewish state in Palestine. This support began to waver as World War II approached and Arab nationalism began to emerge as a potentially potent force in the Middle East.

Some Soviet theoreticians began to see the creation of a Jewish state in Palestine as a clever device to insure continued British mandatory presence in the area. Some Russians even went so far as to accuse Zionists of willful collaboration with the "British imperialists." These suspicions contributed no doubt to the Comintern order to the Palestinian Communist Party in the early 1940s that it create a "Jewish Section" within the organization and replace Jews with Arabs in the majority of the party's positions of leadership. The Palestinian Communist Party was already beginning to feel the strains of the main debate of the day: the disposition of postwar Palestine, when, as it was assumed, the British should depart. Some Arabs, championing the idea of an Arab Palestine, left the Communist Party and formed the "League of National Liberation." Many of the Jews remaining in the party favored a binational state in postwar Palestine.

At the war's end, the growing attacks mounted by Jewish underground forces against the British in Palestine, helped persuade Moscow that Zionism was a genuine nationalist force, and should be supported, along with Arab nationalist movements, as a means of driving the capitalist "neo-colonialists" from the Middle East. This idea so captivated the Russian leadership that Moscow quickly became one of Israel's loudest champions in the postwar period, and the Soviet Union rushed to recognize the fledgling state of Israel, within hours of its proclamation of independence in 1948.

This reconciliation, which disillusioned some Arab Communists, did not last long. Moscow viewed with disapproval the increasing alignment of Israel with the United States, and eventually the Soviet line reverted to its earlier position, the only change being that now the Zionists were the handmaidens of American rather than of British "imperialism." Moscow had been shifting its support to the Arab side, primarily to Egypt's President Nasser, well in advance of the Suez crisis of 1956, and Arab Communists in Israel during that time returned to the Communist Party in the expectation that Israel's Communist Party would also adopt the pro-Arab position advocated in Moscow.

The mounting Russian support for the Arab states and against Israel after 1956 created a crucial dilemma for Israeli Communists, at least for Jewish members of the party. National identity proved stronger than party allegiance and discipline. The split came in 1965, just before the general elections of that year: two "Communist" parties emerged, each presenting candidates to the voters.

Each party today maintains that *it* is the "true" Communist Party. One rejects what it calls the "Moscow line," the other advocates positions closely similar to, if not identical with, those espoused by the Russians. The parties hold some positions in common. Both support the 1967 U.N. resolution on the Middle East, and both reject any territorial annexation beyond the pre-Six Day War borders. Both reject the proposals of the Palestinian guerrilla organizations for a pluralistic secular Palestinian state, but there appear to be areas of disagreement in the as yet vague solutions offered by the two parties for the Palestinian refugee problem. The major differences between the two arise from the original cause of the 1965 split: Soviet foreign policy, particularly with regard to the Middle East.

The party that rejects the Moscow line is known to Israeli voters as "Maki." Under Israel's proportional representation system, Maki has managed to poll enough votes nationally to entitle it to one seat in parliament. That seat is held by Moshe Sneh, veteran Israeli politician and once (1940-46) commander in chief of Haganah, the pre-independence Israeli army.

Sneh was born in Poland in 1909. He is well known in Israel, and well respected, even by Israelis who disagree sharply with his politics. An outgoing, extremely congenial man, Sneh is a distinguished speaker in several languages, and in private conversation as well as in parliamentary debate displays a scholar's grasp of political history and ideological evolution and a keen debater's talent of logically building his argument to its final conclusion. During one two-hour conversation with Sneh, I forgot that we were meeting in a coffeehouse on Tel Aviv's Dizengoff Street, and fell into the illusion that I was being treated to a lecture in political science by a distinguished but unpretentious professor, who punctuated his dissertation easily with names, places, dates and anecdotes involved in some of the major political events of recent times.

Sneh was one of the founders of Israel's Mapam Party in 1948, a faction which remains to this day the furthest Left of the non-Communist groups, in a political spectrum whose Center is markedly to the Left of the Center of U.S. politics. Mapam fractured into three wings in 1953; Sneh's group going Communist, and another offshoot, Achdut Ha'avoda, taking a position to the Right of the original party's ideology.

Maki sees itself as genuinely Marxist-Leninist, opposing what it regards as a Russian perversion of these ideals, and aiming to unite the "humanitarian democratic wing of the Left with the Socialist labor factions of the Right." Maki sees kindred spirits in people like Alexander Dubcek, in factions of Communist Parties in Spain, Greece, Sweden, Australia and France—all allied in a

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"renaissance" of Marxism, even though, Maki admits, the immediate prospects for the cause are not promising.

In an Israeli context, Maki views itself as "internationalist," in that it is "supporting its own nation, without discounting the interests of others" (i.e., the Palestinians, and other Arab states). It regards the other "Communist Party," named Rakah, as "unnatural, chauvinistic . . . a nationalist Arab party," masquerading under a Red Communist cover.

Recalling the events of 1965, Moshe Sneh says, "The split was the result of [Rakah] submitting to Arab chauvinism and to orders from Moscow. . . . We are independent in our judgments and we oppose Soviet policy and the official policy of most Communist Parties. . . . They [Rakah] are predominantly Arab; we are predominantly Jewish—that's the difference."

Rakah, the rival Communist Party, hurls many of the same charges back at Maki. It regards Sneh's group as "anti-Communist" and a convenience to the Israeli Foreign Ministry which, Rakah claims, uses Maki as window dressing to curry favor among leftists abroad. Rakah regards itself as being very patriotic, defending the existence and future of the state of Israel by seeking peace, not territory, and by opposing what it labels "Zionist pro-imperialist" forces. The split in the old Communist Party in 1965, in Rakah's view, was quite simply a break between Zionism and communism, with Rakah rejecting Zionism.

In its relationship with the Israeli Government, Rakah charges persecution—that some 600 of its members, most of them Arabs, are under some form of police detention: house arrest, restriction of movement, or surveillance. It also claims that during the last general elections in 1969, about 150 key members were rounded up and jailed over election day, thus damaging Rakah's showing at the polls. There has been no official reply to Rakah's charges. A number of Israelis with whom I discussed these charges don't dispute them, but few interpret such detentions as a threat to civil liberties. The majority accept them as justifiable security measures in time of war.

Meir Wilner holds one of three Rakah seats in parliament (the other two are held by Arabs, one of whom accompanied Wilner to the 24th Soviet Communist Party Congress). Wilner, like Sneh a native of Poland, is 53 years old. He is a slight, wiry man, who appears cautious and apprehensive in the presence of strangers (some years ago, Wilner was seriously injured by a knife-wielding attacker, an Israeli who had emigrated from Russia and took extreme exception to some of Wilner's public remarks). This guarded manner disappears almost completely when Wilner is addressing a sympathetic audience; at such times, he is a dynamic, confident and accomplished speaker.

Wilner and his party see no contradictions in accepting Soviet policy in the Middle East. "It is in full harmony to be a Communist and an Israeli citizen," Wilner told me, "because our Communist Party of Israel defends more than any other political factor the national interest of our people and our country."

From 1965 to 1968, Rakah increased its popular vote by just under 50 per cent—from 27,000 to 39,000. It estimates that of the 12,000 new votes, 40 per cent came from Jews, 60 per cent from Arabs. (Maki disputes this claim, suggesting that the Arab-Jewish ratio of new votes is more like 10 to 1. Government statistics show that the Arab population within Israel proper increased by almost 50 per cent between 1965 and 1969.)

"More people are listening now," Wilner said recently, "than in the immediate post-1967 war days. . . . The USSR in 1948 was not against the Arabs, and is not against the state of Israel today. . . . Not against its right of existence."

A few Israeli Communists will concede that the immediate future holds little political promise for them, even if formal diplomatic ties are re-established with the USSR. The reason behind this has much more to do with Russian policy, at home and in the Middle East, than it has to do with ideological reservations among Israelis, who have been immersed in a considerable stream of Socialist, even Marxist, ideology for years.

Soviet policy toward Russian Jews certainly doesn't help the Israeli Communists. At a hastily called protest demonstration in Tel Aviv on Christmas Day 1970, to protest the conviction in Leningrad of a group of Jews charged with attempted airplane hijacking, one placard read, "take Meir Wilner, give us the Russian Jews."

But Wilner and his party disregard such sentiments. The very next day, in Haifa, Wilner delivered a fiery speech to a meeting of the Israeli chapter of the World Federation of Democratic Youth, during which he dismissed the Leningrad trials as a purely Russian internal affair. The massed Red banners, flags displaying a hammer and sickle mounted just beneath the Star of David, and posters extolling Ho Chi Minh and Cuban youth left little doubt as to the ideological cast of the chapter's politics. The predominately young audience was overwhelmingly Arab. A similar rally, also in Haifa a month later, drew some pickets protesting Moscow's policy toward Jewish emigration.

On a different level, Soviet support for the Arab states, and particularly its military aid to Egypt and Syria, have produced, understandably, widespread "anti-Communist" (really anti-Russian) sentiment in Israel.

One day, waiting in my car for a traffic light to change, I watched a shabbily dressed, unkempt, bearded middle-aged man shuffle past a gas station. I'd seen the man before. He apparently is some sort of eccentric, whose physical appearance is more a matter of choice than circumstance. The garage attendant at the pumps apparently also knew the man; he shouted, "Communist!" at him, but with a broad smile on his face. The man smiled back. It was a good-natured exchange, a mock-angry sort of greeting one might encounter anywhere; but until very recently the term "Communist" has not been used as an epithet—even in jest—in Israel, except perhaps by a tiny minority of right-wingers.

While the political prospects for the Communists aren't likely to improve in the immediate future (indeed they may be irreparably damaged among young voters and voters-to-be), Communist representation in Israel's parliament isn't likely to suffer.

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Arab population growth tends to insure Rakah's hold on its three seats, especially since some Israeli political observers believe that Arabs support the party less for ideological reasons than to exercise some legitimate electoral protest against the other Jewish-dominated parties. Moshe Sneh's personal popularity, even outside his own party, is probably sufficient to guarantee his seat as long as he cares to hold it. He could very likely carry other party members into parliament on his "coattails" if only Maki changed its party label. Sneh claims he is often stopped on the street and asked, "How can such a patriot as you call yourself a 'Communist'?" But the veteran philosopher-politician sees himself a leader of the Marxist renaissance, and therefore is not likely to change his affiliation.

When the state of Israel was proclaimed in 1948, the Soviet Union was considered a friend, and "Communist" a respectable political label. Both of these conditions have changed in the intervening twenty-three years—but then again, so have many things. Ask any Israeli. □

NO RATS IN THE MINES

HARRIETTE SIMPSON ARNOW
Mrs. Arnow, born in Wayne County, Kentucky, is the author of The Dollmaker *(Macmillan), along with other novels and two social histories of the Cumberland pioneers.*

How was whiskey made from corn in a wooden still? What was the difference between a shingle and a roof board? Such questions plagued me many years ago when I was doing research for a social history of the pioneers in Kentucky and Tennessee. A good deal of study in books and manuscripts had not yielded all the details of daily living I needed to know, and I thought I might learn something from people in the southern counties on the western fringe of Appalachia where many descendants of early settlers lived. I was not disappointed. Many of the older people had much handed-down information on the old days, and they were kind enough to pass it on to me; often they showed me things—a turkey call or a set of coin silver spoons.

Yet nobody knew anything about making corn whiskey in a wooden still. This I needed to know. Used as a medicine in most early farm homes, whiskey had also been at one time the most important cash crop of many farmers, as well as the easiest way of getting corn to market. And not all of that whiskey had been made in copper stills.

I was about ready to try elsewhere when a friend offered to drive me on a back road in the woods to the home of an old man who "ought to know." The man was about 80, and he had a long memory. He told me all I needed to know about making pure corn whiskey with a wooden still, his information being so circumstantial that I thought it might have come from practical application. I didn't ask. In any case I shall refer to him as Mr. Atkins.

Finished with whiskey, Mr. Atkins talked of mining coal. He'd dug coal in the West Virginia mines for several years back around World War I. One of the best paying jobs he'd ever had was robbing coal. In one way of mining, he explained, coal companies had to leave big pillars of coal in the rooms to support the rock above the coal seam; that is, for the first mining. After that first mining was finished, they'd send men in to get the coal in the pillars. If the mine later caved in, it didn't matter. Taking out the coal in the pillars was called robbing.

He'd rob the coal out of any mine where he could see or hear rats, even when other miners thought the mine was too risky. Mostly he'd robbed mines with good thick seams, 6 feet, sometimes more; but every once in a while there was a low roof and he'd have to crawl. Getting out in a hurry after he'd lighted a few fuses was about the hardest part. No, he'd never stayed in any part of a mine when a charge was to go off. Foolish.

He didn't re-enter the mine to get out the coal until the next morning when he figured the dust had had time to settle and the roof to make up its mind whether or not it was going to fall. He'd never tried to rush things. Still, he did a lot of robbing and made good money; coal was selling well back then in the twenties.

I asked him if the work had not been a great deal more dangerous than ordinary mining. He considered: most miners thought it was. He guessed the only real dangerous part was shoveling up the blasted-down coal when there was nothing to hold up the rock above you. Don't forget, though, he'd had the rats. Rats were the best safety devices a coal miner could have. They were not trying to make money out of you. A rat knew when there was about to be a rock fall a lot quicker than any seasoned miner. They could also tell bad air and stayed away from it.

First thing when he was ready to work, he put scraps of food around his dinner bucket. At noon he'd leave more scraps, and always where he was aiming to set off a blast. Whenever he'd go for his dinner or just for a drink of water, the scraps were either all eaten or had rat-teeth sign. In between he'd hear the rats squeak, or see the shine of a rat's eyes watching him out of the dark. He'd always had the rats. Except once.

That time he'd been aiming to rob a big pillar in a back room where he'd never been before; it had a lot of fine coal. He'd worked just a little while at boring holes for blasting powder, when he noticed he hadn't seen or heard a rat. He went to his dinner bucket. All the scraps were still there; not even the loud-smelling cheese and bologna he'd put out special had one sign of a rat's tooth. He ran for his tools, grabbed his dinner bucket and high-tailed it out of there.

He'd made it out of that gallery and was getting close to the mine mouth, when all at once from behind him somewhere, it sounded as though the mountain was grinding its teeth. The awfulest racket a man ever listened to. Next morning he'd gone back to the room he'd been

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scared out of; it wasn't there any more. The rats had told him.

My friend said something about being glad modern mines were safer than they used to be. There were also, he pointed out, more state and federal mine safety laws, and inspectors to see that the laws were enforced. He reminded Mr. Atkins of the then new 1952 safety mining law.

Mr. Atkins shook his head. Laws? Inspectors? No, he'd take the rats. Miners still got killed. They've got no rats. In a big mine there's an awful lot can go wrong. But no matter how many miners get killed in one accident now, not all the dead men and maybe no one can be blamed for the accident. But listen to the higher-ups. They blame all the accidents on the miners and God. If you read the papers you'll know.

Yes, I read the papers, and continue to read them. I also, for several years, lived close enough to Kentucky's eastern coal country to hear a good deal. I have been in most of the coal counties several times. I soon saw strip and auger mining and learned that in the big pit and drift mines American technology was getting out more coal with fewer miners. I heard of coal cutters, conveyor belts, automatic hole drilling devices, and a great deal of other equipment, all powered by electricity. Miners have become machine operators.

Modern technology, however, is doing little or nothing for the miner. Coal mining continues to be the country's most dangerous occupation. The federal safety law of 1952 was hailed as a long step forward in mine safety. Yet, between the passage of the law and 1968, 5,500 miners were killed and 220,000 were "severely injured," which could mean anything from the loss of a leg to blindness or paralysis. An estimated quarter of a million other coal miners and ex-miners live with never enough air because they have breathed too much coal dust for too many years and developed pneumoconiosis—black lung.

Since meeting Mr. Atkins I have thought often of him and his trust in rats. As the years passed, each with its toll of dead miners, I began to wonder if his opinions on mine safety were as crazy as I had first thought. I was convinced that Mr. Atkins had been right about who took the blame when, late in November of 1968, I watched a television newscast of an explosion in a Consolidated Coal Company mine near Farmington, W. Va.

Seventy-eight miners had been killed. The "higher-ups" so mistrusted by Mr. Atkins were out in force for the TV cameras—among them Mr. Anthony Boyle, president of the United Mine Workers. He had only praise for Consolidated Coal Company; a listener would have thought those seventy-eight miners had suffered horrible deaths by an act of God. Mr. Boyle either didn't know, or thought it of no importance, that every inspection of that mine since 1963 had revealed highly explosive coal dust in amounts far beyond the legal limit. There had also been twenty-five other safety violations within the past two years.

However, not everyone felt about mine deaths as did Mr. Boyle. Foremost among the fighters for better mine safety was the Hon. Ken Hechler, Representative from West Virginia. He and a few other men in both houses wanted a law giving inspectors the power to enforce regulations. During 1968, in addition to the seventy-eight killed at Farmington, 233 other miners had lost their lives underground.

Opposed by all coal operators, by many Congressmen and by the Nixon Administration—and receiving little help from the United Mine Workers—the Coal Mine Health and Safety Act was fought over for almost a year. When passage of an only slightly watered-down version seemed certain, President Nixon let word get out that he would veto it. In the end, he did sign—after letting the bill wait on his desk for two weeks.

The Coal Mine Health and Safety Act of 1969 not only set up a long list of safety and health regulations but also for the first time enabled federal mine inspectors to bring guilty mine operators into court. Fines for violations ranged up to $25,000. Inspectors were also authorized to close mines they considered deathtraps.

The same law recognized for the first time in the United States that black lung is an occupational disease of miners. The U.S. Public Health Service would X-ray the miners; those found to have the disease would be compensated by Social Security. [See "Coal the Killer" by Paul J. Nyden, *The Nation,* September 20.]

No mine operators complained about that part of the law; compliance would cost them nothing. Anything else, from keeping coal dust down to furnishing rescue masks to the miners, costs money; so did proper ventilation and safer mine roofs. Some operators said that obeying the law would raise the price of coal; others threatened to close underground operations and turn to strip and auger mining. They would not apply to the Small Business Administration for loans to pay the cost of bringing their mines up to the standards of safety demanded by the federal law. Too much paper work, they said. They also complained of the paper work involved in complying with the law. Others protested that they didn't know how to take dust samples.

In late April, about four months after the Federal Mine Safety and Health Act became law, a group of operators representing the National Independent Coal Operators filed suit in a federal district court in Abington, Va. They asked for a restraining order against the more stringent demands of the new law—specifically, many of the safety regulations; nor did they want to pay the heavy fines. The federal judge granted an injunction against the federal law. An Under Secretary of the Department of the Interior forbade any representative of the Bureau of Mines to attend the hearing. The temporary injunction, with no opposition coming from any source, became permanent and trial was set for November.

Word was next handed down from Washington to the federal inspectors in the coal fields that, since some operators now had the legal right not to pay fines, it would be unfair to fine any mine operator for a safety violation. Later, a list of fines was handed down from Washington. These were so low and so hedged about for the protection of the operators, that they could have been called laughable—except that miners were being killed at a faster rate than during the preceding year.

The power of an inspector to close at once a mine he deemed a deathtrap was also taken away, but not by the injunction. Washington ordered inspectors to telephone Washington for approval—or disapproval.

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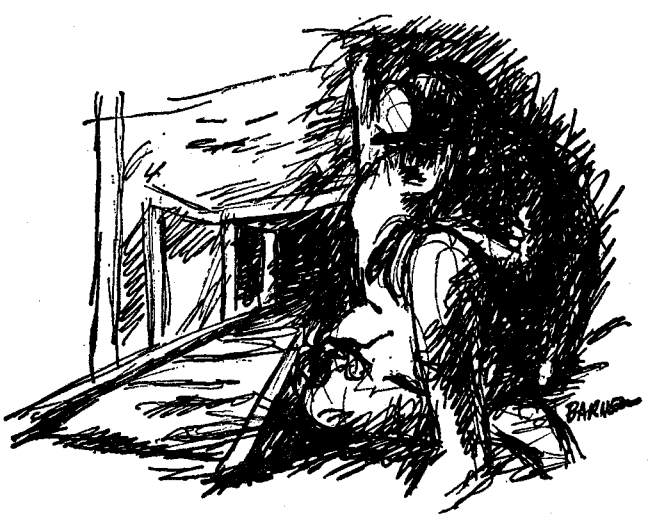
The law as passed by Congress had stipulated that each mine should have four "thorough" inspections a year. This was changed by Henry Wheeler, a deputy director of the Bureau of Mines, into "Partial but Representative Inspections." This meant an inspector was to go over only part of each mine, which could be the part the owner wanted him to see.

In spite of sabotage from above, inspectors continued to crawl into mines and make inspections. Heavy demand for coal and high prices had increased the number of mines; during 1970 there were about 2,000 in Kentucky alone. Some half of these were small mines in out-of-the-way places serviced only by trucks.

Such were mines number 15 and 16 of the Finley Coal Company. Located in Leslie County, Kentucky, on land leased from the Ford Motor Company, they were adjoining and served by one coal-conveyor belt. The average height of the mines was only 32 inches, but despite the thin seam, profits were high enough to warrant two shifts of miners, a maintenance shift, and a few workers above ground—a total of eighty-five men.

Mine number 15 was first visited by Federal Mine Inspector C. E. Hyde in June of 1970. He found fourteen safety and health violations in the one mine; two or three of these concerned the general health and comfort of the miners; there was no drinking water in the mine, and no toilet facilities either below or above ground.

More violations jeopardized the lives of the miners, the most serious being the heavy accumulations of coal dust



and coal along the roadways. Multiplying the danger from the highly explosive coal dust was the careless handling of electric cables: several splices were uninsulated, fuses had been removed in many places, there was evidence of cigarette smoking, and no one had tested for gas. Also, only nine of the mandatory self-rescue masks had been provided for the thirty-nine men on the first shift in both mines.

Inspector Hyde's power to levy the legal fines had been taken from him; but he could still order the mine closed on the ground that the lives of the miners were in danger. The mine was closed over a weekend; it was supposedly cleaned up; the Finley brothers lost no production as the miners worked a five-day week.

State inspectors also visited the mine at intervals and found twenty-four violations of the state law; many of those classified as "potentially disastrous" were the same as those noted by federal inspectors: dangerous accumulations of coal dust, explosives improperly handled, insufficient roof bolts, and the usual poor maintenance and dangerous handling of electrical equipment. Charles Finley, operator, received letters from the Kentucky Department of Mines and Minerals politely insisting that the violations be corrected.

During 1970 federal inspectors made six partial inspections of Finley mines 15 and 16, during which they found thirty-eight violations, most of them potentially dangerous. There were still no self-rescue masks, and in one section of the mine a sampling of the air showed eleven times the legal limit of coal dust.

An inspector also came to investigate an accident that had injured one miner and blinded another. Another accident that killed a miner required a later trip. The inspector found management at fault in the death of the miner. No fines were levied against the Finley Coal Company. All power of an inspector to do anything but note violations had been taken from him by Washington.

On the morning of December 30, 1970, thirty-nine miners were underground in Finley mines 15 and 16. The foreman and his explosives expert were getting ready to blow out a section of the low roof, to make room for the loading boom on the end of a conveyor belt that Finley wanted to connect with the main belt in mine number 15. The other men were at their usual jobs. Shortly after twelve o'clock an explosion ripped through the mine. One miner near the entrance was flung about 60 feet from the mine mouth. The other thirty-eight miners were killed. Charles Finley, outside in his trailer, was unhurt. Dr. William Beasley, the closest doctor, was the first to examine the bodies.

Back in Washington, Elburt Osborn, director of the Bureau of Mines, was soon wondering what, if anything, the bureau should do. That was decided for him. Sen. Henry Jackson, chairman of the Senate Committee on Interior and Insular Affairs, and Sen. Harrison Williams, chairman of the Senate Committee on Labor and Public Welfare, telegraphed the acting Secretary of the Interior, Fred Russell. He was told that his Bureau of Mines must hold a public hearing on the disaster.

Rep. Ken Hechler demanded, and got, copies of inpectors' reports on Finley mines 15 and 16. He, too, demanded a hearing that would cover "all aspects of the operator's actions since the mines were opened, and the degree to which the operator failed to comply with the law." He also secured a copy of the 25,000-word report on the Finley Coal Company disaster made by researcher Thomas N. Bethell for the Coal Miners Legal Defense Fund. Representative Hechler had the report inserted in the "Extension of Remarks" of the *Congressional Record*. Most of the facts given here are taken from the "Extensions."

President Nixon was so aroused by the disaster that he said he would do everything possible for the widows. He, or somebody, did. Social Security bureaucratic red tape was untangled with such speed that the widows with

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their ninety-seven children received the usual death payment only thirteen days after the disaster.

The Kentucky State Workmen's Compensation Fund was even faster. The widows were called together on January 4 to sign papers and then receive a death payment of $500 each. Since the Compensation Fund valued each married dead miner, regardless of age, at $19,700, the widows would further receive 400 weekly payments of $48 each. The five bachelors were worth only the death payment to the undertaker.

Several dignitaries, including William Boleyn, sent to represent the White House, watched the widows sign. Not one of these men bothered to tell the widows of a clause in the Workmen's Compensation Act that would allow them a 15 per cent increase in payments if the employer of their dead husbands was found to have been negligent. By signing the papers given them, the widows forfeited their right to apply.

The public hearing was held on January 6, jointly by the Bureau of Mines and the Kentucky Department of Mines and Minerals. The two had already issued a joint statement saying that they believed the explosion had been caused by the blasting of a boom hole and had been *propagated by coal dust*. The huge amounts of coal dust found in the mine by inspectors had no part in the hearing, though it was said that at least two federal inspectors believed the Bureau of Mines would accuse the Finleys of criminal negligence.

However, shortly after hearing of the disaster, Bureau of Mines Director Osborn let the world know how the winds should blow when he said: "This disaster was not unexpected. We've had two good years since Farmington, and we can expect one of these a year." The "two good years" were 1969 and 1970, during which 458 miners were killed, 255 of them in 1970 under Osborn's "administration" of the new law.

The public hearing could not be called a whitewash or a farce. Nobody took that much trouble. No mine inspector was called to testify, nor any of the widows, who had doubtless heard their men talk of conditions in the mine, nor the mine superintendent, a cousin of the Finleys; and no victim of previous accidents was questioned. It was not the purpose of the hearing, Osborn explained, "to levy criminal penalties against the mine operators."

However, several witnesses were called, and several hours were spent in questioning them. Finley was allowed to talk with the second shift miners before they were questioned. A few did testify that they had seen illegal explosives in the mine, but most said they had not. Investigators of the accident could have told them that they had seen pieces of Primacord, an explosive fuse that burns with a flame and is thus illegal for use in underground mines; the inspectors found evidence that Primacord had been used to connect 100 sticks of dynamite to blow out the boom hole.

Charles Finley, gently questioned on this point, didn't remember buying illegal explosives and said he knew nothing of the matter. He wasn't pressed, nor was he or anyone else questioned about past violations. Osborn said he wasn't interested in the past record of the mine.

The most important witness on the cause of the miners' deaths was not called to testify. He was Dr. Beasley, the first and only physician to see the bodies. Of the thirty-eight, he was certain that at least five had not died at once from the explosion. Their skins had the color of men dead of carbon monoxide. Men who went into the mine after the explosion found signs that miners had crawled 50 to 100 feet after the blast. They would have been breathing for at least a part of the time they crawled, but whatever air remained in the mine was quickly displaced by carbon monoxide. The five miners dead of it might have been saved had self-rescue masks been within easy reach; these masks give a man thirty minutes of breathing. Finley, though he had repeatedly been cited for not having the required masks, had none in the mine at the time of the explosion.

Charles Finley must have known from inspectors' visits that mines number 15 and 16 were deathtraps. One wonders why the blowing of the boom hole, to be done with illegal blasting materials, couldn't at least have been carried out during a weekend, when the miners were at home.

However, wonder could lead to criticism. Elbert Osborn, director of the Bureau of Mines, and thus an important cog in an Administration whose theme is "law and order," said a few days after the hearing: "I'll bet many mines have just as bad records as the Finley mines. Don't criticize the Finleys."

It looks as if Mr. Atkins was right all the way. □

LETTERS *(Continued from page 386)*

Establishment organizations have, by now, come to realize that the capital accumulation process of the system itself is to blame, and not the greedy demands of corporate profits or wages. There is no doubt that the labor bureaucracy and corporate managers want stability, but that stability can be maintained only under conditions of expansion which is the lifeblood of the capitalistic system. The question is why expansion became hard to achieve, and this I tried to explain in terms of the inflationary process and what I believe to be its most important component at this stage: liquidity and the accumulation of debt.

The economic crisis is precisely the fact that both corporate profits *and* working-class real income (after tax) have fallen too far behind to effect an easy compromise. The "solution" that Nixon has chosen is to expropriate public funds for corporate purposes. . . . It is no surprise that Nixon chose this route because given the nature of the crisis, the only alternative is to expropriate private wealth for working-class purposes, otherwise known as nationalization.

As I tried to indicate, Nixon and company certainly didn't "plan it that way," but clearly tried to achieve stabilization through the old business-cycle method that didn't work. It's true that despite the decline in working-class real wages after tax incomes over the past six years, employee compensation has taken a bigger share of both GNP and the national income. This is because the inflationary process, diverting real resources into parasitic waste production, debt repayment and speculation, has put the wealth-creating part of the society in a bind. The system has stopped "producing the goods" because too much income and wealth has been siphoned off the top. The system is not "working," hence the need for government power to restore corporate profits through expropriation. . . .

The astute Mr. Yuccas detects that I disapprove of the restraint imposed on the "prevailing economic anarchy." Quite so. I have no desire to shore up a system which, even when working at top efficiency, has maintained a bad distribution of income, wealth and political power for so many years.

David Deitch

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BOOKS & THE ARTS

Justice and Harriet Taylor

ESSAYS ON SEX EQUALITY. *By John Stuart Mill and Harriet Taylor Mill. Edited with an introduction by Alice S. Rossi. The University of Chicago Press. 242 pp. $8.75. Paper $1.95.*

VIRGINIA HELD
Mrs. Held, a member of the Philosophy Department at Hunter College, is the author of The Public Interest and Individual Interests *(Basic Books), and an editor of the forthcoming* Philosophy and Political Action *(Oxford University Press).*

We have been told by a number of critics that John Stuart Mill's long-time friend and eventual wife, despite the lavish praise bestowed upon her by Mill, was an egotistical, unfeeling woman of narrow intellect who had a strong but unfortunate influence on his thinking. The strongest denunciation has come from Diana Trilling, who has characterized Harriet Taylor as "one of the meanest and dullest ladies in literary history, a monument of nasty self-regard, as lacking in charm as in grandeur . . . nothing more than a vestpocket flashlight of a mind . . . this was no woman, no real woman. . . ." Gertrude Himmelfarb, preferring the more conservative tenor of the essays written after Mill was "freed" by her death to the more progressive works written while she was alive, has deplored, less stridently, the lengthy influence this woman of "mediocre mind" exerted on Mill. Max Lerner, in his introduction to what he called the *Essential Works of John Stuart Mill*, a collection which omitted Mill's essay on the subjection of women, conceded that Harriet Taylor had a "commanding intellect." But "we know," he confidently went on to assert, that "she was a frigid woman."

Alice Rossi, a sociologist with some sympathy for feminist views, takes a fresh look at the evidence and, in her introduction to the writings of John Stuart Mill and Harriet Taylor on women, presents the following thesis: Most of the persons who knew Mill and Harriet Taylor and were critical and disparaging of Harriet belonged to the circle of Philosophical Radicals of which Mill was a member; they were theoretically committed to Utilitarianism and they were interested in political and parliamentary reforms. The circle to which Harriet Taylor belonged was that of the Unitarian Radicals, who were, in contrast, more unconventional, more artistic, more interested in equality for women, emotionally committed to broad social and economic reforms, and far more willing to consider alternatives to the institution of the family.

Many of Mill's friends disapproved, of course, of Mill's involvement with Harriet Taylor. When she and Mill met, she was already, at 23, married and the mother of two sons; soon afterward she had a daughter as well. Professor Rossi points out that the Philosophical Radicals sometimes cited as authorities on Mrs. Taylor's character knew nothing "of the intellectual distance Mill had traveled from Utilitarian theory, quite on his own, following his mental crisis in 1826. They may well have attributed the subsequent changes in Mill's thinking to the influence of Harriet and her social circle rather than to the intellectual ferment within Mill himself. . . ." It is not unlikely, Mrs. Rossi thinks, that many critical views of Harriet can be explained by the fact that "Mill's association with the Unitarian Radicals was seen by his political associates as a threat to his allegiance to the Utilitarian cause, and Harriet was the symbol of that association." Some critics have condemned Harriet Taylor for an attachment far greater than Mill's to the cause of socialism, and for a belief much stronger than his in its eventual triumph; and a number of evaluations of her can clearly be understood in the light of the critics' own anti-feminism.

The thesis gains support from a new reading of the correspondence presented by Friedrich Hayek in *John Stuart Mill and Harriet Taylor*, published in 1951. In the early days of Thomas and Jane Carlyle's acquaintance with Mrs. Taylor several years after Mill had started to see her regularly, Thomas Carlyle wrote that Mrs. Taylor was their "most interesting new friend . . . a living romance heroine, of the clearest insight, of the royalest volition . . . a young beautiful reader of mine. . . ." While his later objections to Harriet were not the same as those of the Philosophical Radicals, they were quite compatible: he was disturbed by the set into which she seemed to be drawing Mill. "Round her come [William] Fox the Socinian and a flight of really wretched looking 'friends of the species,' who (in writing and deed) struggle not in favour of Duty being *done*, but against Duty of any sort almost being *required*. . . . Most of these people are very indignant at marriage and the like, and frequently indeed are obliged to divorce their own wives, or be divorced. . . . Mill is far above all that, and I think will not sink in it. . . ." Still later, however, Carlyle concluded that "the set of people he is in is one I have to keep out of. No class of mortals ever profited me less. . . . Mill was infinitely too good for them; but he would have it, and his fate would."

The best aspect of this book is that it allows Harriet Taylor to speak for herself. Mill, more generous than most men who have used the products of the minds and imaginations of women in their work, publicly stated that many of his publications were the "joint productions" of Harriet and himself. But the productions continued to appear under Mill's name alone. Alice Rossi's investigations have led her to conclude that Harriet Taylor was the primary author of one such shared effort, the *Enfranchisement of Women*, and it appears here, accordingly, as her work. A section of almost ludicrously effusive praise of Harriet by Mill was added to the essay at the time of its republication, again under Mill's name, after her death; it would be no more implausible than various other speculations that have been offered to suppose that even Mill could not quite bring himself to believe that the woman he loved should have written her own essays, and as if he unconsciously wished that his statements about this work having been largely hers, and others' joint productions, would be as suspect as his unbelievable claims about her incomparable wisdom and virtue.

The essay itself is a remarkable document, a manifesto in behalf of women possessed as they sometimes are of a clear and overwhelming sense of the prevailing injustice. It is lightened with touches of sarcasm quite absent in Mill's more detailed and subtle discussions of the subject.

Of the condition of women, Harriet Taylor wrote:

> Apart from maxims of detail, which represent local and national rather than universal ideas; it is an acknowledged dictate of justice to make no degrading distinctions without necessity. . . . When that which is interdicted includes nearly everything which those to whom it is permitted most prize, and to be deprived of which they feel to be most insulting; when not only political liberty

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but personal freedom of action is the prerogative of a caste; when even in the exercise of industry almost all employments which task the higher faculties in an important field, which lead to distinction, riches, or even pecuniary independence, are fenced round as the exclusive domain of the predominant class . . . the miserable expediencies which are advanced as excuses for so grossly partial a dispensation, would not be sufficient, even if they were real, to render it other than a flagrant injustice. . . .

The world were once persuaded that the supreme virtue of subjects was loyalty to kings, and are still persuaded that the paramount virtue of womanhood is loyalty to men. . . . Self-will and self-assertion form the type of what are designated as manly virtues, while abnegation of self, patience, resignation, and submission to power . . . have been stamped by general consent as pre-eminently the duties and graces required of women. The meaning being merely, that power makes itself the centre of moral obligation, and that a man likes to have his own will, but does not like that his domestic companion should have a will different from his.

Mrs. Taylor knew well that for equality ever to become a reality, women must be allowed to enter, to exert themselves, and to advance in any occupation:

> Let every occupation be open to all, without favour or discouragement to any, and employments will fall into the hands of those men or women who are found by experience to be most capable of worthily exercising them. . . . But to interfere beforehand by an arbitrary limit . . . is not only an injustice to the individual, and a detriment to society . . . [it] is also the most effectual mode of providing that, in the sex or class so fettered, the qualities which are not permitted to be exercised shall not exist.

John Stuart Mill, as indicated in *The Subjection of Women* and elsewhere, did not fully share this view, despite his insight into the abuses of power and corruption of character made likely by the inferior position of women. He compared the treatment of married women in his time with the treatment of slaves, and found the subjection in the former case by and large worse because it extended to all aspects of the person and was uninterrupted. He advocated legal equality and the extension of the vote to women, and he believed that women should receive an education sufficient to allow them a genuine choice of whether to marry or to develop their occupational talents. But he did not suggest that men should be asked to tolerate competition from, or cooperation with, mothers, who would have chances equal to those of fathers to do that work which they do best, be it child care or soldiering, governing, or writing prose.

As for Harriet Taylor's coldness, it is more in the eye of the critic than implicit in the evidence. She said in a letter: "I have always observed where there is strong feeling the interests of feeling are always paramount and it seems to me that personal feeling has more of infinity in it than any other part of character." She suffered much anxious indecision about whether to leave her husband, who convinced her he would be demolished by her departure; instead of resolving the issue in terms of what she disparagingly called "blind devotion," she tried to arrive at a reasonable solution that would cause the least pain to all concerned. The resulting arrangements were doubtless unsatisfactory, but not least so for her.

In claiming that Harriet Taylor's views were ideologically dogmatic, and that she enticed Mill into a futile search for "simple principles," as in *On Liberty*, and, presumably, *The Subjection of Women*, Gertrude Himmelfarb has made a serious charge. But the achievements of the natural sciences have demonstrated that a compact statement or theory is by no means inevitably further from the truth than an elaborate one, and simplicity and elegance may surely be esteemed even in those constructions of the mind which deal with human affairs. Fundamental normative principles such as the principles of justice and equality may be given beautifully concise formulations. Frequently, the revision of attitudes and reshaping of institutions resulting from a new application of a clear principle bring us closer to the truth than could volumes of exhaustive observation and description.

In *The Subjection of Women*, published in 1869, Mill wrote that "the example afforded, and the education given to the sentiments, by laying the foundation of domestic existence upon a relation contradictory to the first principles of social justice, must, from the very nature of man, have a perverting influence of such magnitude, that it is hardly possible with our present experience to raise our imaginations to the conception of so great a change for the better as would be made by its removal." Our experience, a century later, makes it still hard for us to imagine a world in which the assumption attacked by Harriet Taylor "that men should live for their own sake, women for the sake of men," would even be acknowledged, sincerely, to be invalid.

"The generality of the male sex," Mill observed, "cannot yet tolerate the idea of living with an equal," and the course of human affairs has not yet made that fact untrue.

It may turn out to have been more to John Stuart Mill's lasting credit than many other of his achievements that, with the help of Harriet Taylor, he called attention as few great men have done to this major lack of justice at the heart of society. □

Bankers' Hours at the Times

A DAY IN THE LIFE OF THE NEW YORK TIMES. *By Ruth Adler. J. B. Lippincott Co. 242 pp. $6.95.*

JESSE GORDON
Mr. Gordon is co-author of "The Press and the Bay of Pigs," reprinted in The Columbia University Forum Anthology *(Atheneum).*

Ruth Adler gives us a vivid running account of what some of the 6,000 employees of *The New York Times* did to put out the issue of February 28, 1969. The date was chosen arbitrarily, Miss Adler assures us; and the account is based on memos prepared for her by the *Times* people involved. Some of the events described are something less than earthshaking, such as Arthur Ochs Sulzberger's entry for 9:36 A.M. to 9:37 A.M.: "Threw out a dead tulip." Still, it is reassuring to know that the *Times*'s passionate concern for minute detail and absolute accuracy is shared at the very summit of the newspaper's hierarchy.

Miss Adler, who is editor of *Times Talk*, the publication for the newspaper's staff, deals with all parts of the *Times*, including the thundering pressroom, where at peak operation 106 press units, each weighing 25 tons, turn out more than 1,000 complete papers every second. But, of course, it is the editorial side of a newspaper that monopolizes the drama and suspense, and Miss Adler's account of which *Times* reporters were doing what and where during her chosen twenty-four hours reflects a good deal of both.

So, at four o'clock on a hot afternoon, Charles Mohr, chief correspondent for the *Times* in Southeast Asia, who has spent the previous night chasing an artillery unit he had thought a likely target for attack, is hacking it down a rutted road toward Saigon. In hot and steamy Karachi, Joseph Lelyveld sits and waits in the luxurious residence of West Pakistan's most colorful political figure, Zulfikar Ali Bhutto, President Ayub Khan's most formidable political opponent. In Nairobi, Kenya, where it has

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rained for three nights, Lawrence Fellows is haggling with an immigration officer.

Meanwhile, Max Frankel, chief of the Washington bureau, and Robert B. Semple, Jr., whose beat is the White House, are boarding a bus at the Excelsior Hotel in Rome, soon to depart for Paris to cover President Nixon's eight-day tour of five European capitals. In London it is damp and cold at 9 A.M., and the bureau —the largest of the *Times*'s foreign bureaus—is empty save for John Rothera, the early man in the wire room. But at 10:20 A.M., according to Miss Adler, "Anthony Lewis emerges from his home in Islington . . . [and] steps into the waiting chauffeur-driven office Jaguar for the ten-minute drive" to the bureau in Printing House Square. For a *Times* man in London, nothing but the best.

In West Berlin, at about the same hour, David Binder and Ralph Blumenthal are sleeping off the exhaustion of two days of Nixon coverage. In the Paris bureau, in anticipation of the Nixon visit, Henry Tanner shows up for work at the unusually early hour of 10 A.M., and two chauffeurs—one the regular bureau driver and a second one hired to drive Messrs. Frankel and Semple around for the Presidential coverage—are awaiting assignments. (Aren't there any taxis in Paris?) In Jerusalem, at 11 that morning, James Feron has already covered an important story—the state funeral of Premier Levi Eshkol.

And so the tentacles of the *Times* reach out—to Dana Adams Schmidt in Beirut, Robert Doty in Rome, Tad Szulc in Bucharest, Drew Middleton in Brussels. And to Lawrence Davies in San Francisco, who reports that prospects for news at 9 A.M. are not bright for that day on his beat, which extends north to Alaska and west to Hawaii. And 400 miles to the south, in Los Angeles, Douglas Robinson and Lacey Fosburgh meet for breakfast and bemoan the fact that every day it becomes more difficult to pick a good lead from the verbal outpourings of the witnesses at the Sirhan trial.

Just about the time Mr. Lewis is preparing to enter his chauffeur-driven Jaguar in London, it is late at night in New York City, and Clive Barnes, the drama critic, is drinking black coffee in the kitchen of his Manhattan apartment and dictating notes into a tape recorder. Not far way the *Times*'s art critic, John Canaday, a victim of insomnia, worries about what he has written for the morrow's paper on the artist Grandma Moses. And in the newsroom of the *Times*, at 3:01 A.M., Tom Daffron, assistant news editor, says goodnight to the dozen editors, rewrite men, clerks and copy boys who have closed the final edi-

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tion. The newsroom, with its row upon row of gray, metal-topped desks, subsides into silence, while down below the press-room roars into a crescendo.

Now this is a highly readable way to tell the story of a great newspaper. It is solidly rooted in the romantic tradition, guaranteed to make high school editors and college majors in English yearn for the aroma of printer's ink. But what is highly readable about a subject such as this is not always highly relevant, and there are many aspects of the *Times* story about which Miss Adler is either entirely silent or much too casual. The *Times* is more than a newspaper; it is a conglomerate. It owns paper mills, book publishing operations and radio stations, in addition to other newspapers and magazines. (Last October, the *Times* acquired properties from the Cowles communications empire for which it paid 2.6 million shares of Times Class A common stock, worth at the time more than $50 million.) It is quite possible that on February 28, 1969, a decision was made at some level of the *Times* corporate structure that was of more lasting significance than any decision made on the editorial side. Miss Adler can defend her silence on such matters by urging that she was not writing a corporate history. Granted; nevertheless, her day in the life of the *Times* turns out to be only part of the day, and not necessarily the most important part.

Miss Adler thinks well of the *Times*, and with good reason. Nevertheless, it must be admitted that her blind choice of February 28, 1969, was a lucky one for her. At least she was lucky that she didn't pick, say, April 7, 1961, the day the top hierarchy of the *Times* ordered a playdown of Tad Szulc's story out of Miami warning of an imminent U.S.-sponsored invasion at the Bay of Pigs. To paraphrase Alexis de Tocqueville: All those who seek to destroy the liberties of a democratic nation ought to know that turning the newspapers into mouthpieces of the government is the surest and the shortest means of accomplishing it. Such an attempt was made in the Bay of Pigs episode. Another similar case was the Pentagon Papers, but it failed in that instance.

The *Times* is a great institution, and as such is often exposed to great pressures—from government, from advertisers, from personality clashes within the institution itself. Recent books by Gay Talese and James Aronson offer eloquent testimony to that effect. One notes the relevancy of an article by Stanford N. Sesser in the Spring 1970 issue of the *Columbia Journalism Review*, on the intimate relationship between the *Times*'s travel section and travel advertising. "Until this year [1970]," Mr. Sesser writes, "the paper consistently ran at least one puff on Florida right next to the [Florida] hotel ads."

The *Times* prides itself, of course, on the absolute independence of its editorial policy from advertising pressures. I had an interesting and illuminating experience with the *Times* that had a direct bearing on this matter. Back in the days of the McCarthy witch hunt, I tried to place an ad with the newspaper for a book by Dan Gillmor, a crusading reporter who had been trained by the great O. K. Bovard of the *St. Louis Post-Dispatch*. The *Times*'s Advertising Acceptability Committee turned down the ad, obviously because it thought the book too radical. I appealed to John B. Oakes, nephew of Adolph S. Ochs, and a member of the paper's staff of editorial writers. I told him the ad had been rejected without any explanation. He promised to look into the matter. Two days later he told me on the phone: "You're right; the Advertising Acceptability Committee voted the ad down, and there's no way the decision can be overruled. But there's no way the committee can stop me from reviewing the book—and I will review it." He did, too. □

A Tool or a Weapon

FOR YOU. *By Hayden Carruth. New Directions. 117 pp. $5.95. Paper $1.95.*

THE CLAY HILL ANTHOLOGY. *By Hayden Carruth. The Prairie Press. 156 pp. $3.75.*

ADRIENNE RICH

Miss Rich has published six books of poetry, the most recent being The Will to Change *(W. W. Norton). She teaches at City College, New York City.*

At a time when mere careers matter less and less, and poetry seems to matter finally as testimony, as one of the radical acts necessary for survival, Hayden Carruth is a distinguished figure. I mean that not in the sense that others have conferred distinctions upon him and thereby created his importance. I mean it in the sense that a single tree, or a mountain profile, is distinct through its separateness and integrity; distinguished by what it is, but also by its particular relation to the landscape. Though he has been living and working for many years apparently far out of the mainstream of letters, cities, the churn of careers, it would be ridiculous to call his reputation underground or obscure. There are few poets whose work has nourished so many magazines so steadily; and no criticism of poetry has been written in the last decade more extensive and searching than the reviews and essays Carruth has contributed to such publications as *Poetry*, the *Hudson Review*, the *Chicago Sun-Times*, *The Nation* and *The New York Times Book Review*. Bound to no sect, member of no clique, vastly read in the poetry of his own time and of the past, Carruth has been through the force of his own gifts at the mainstream of our poetry when it was gathering its fullest momentum and achieving its richest variety.

The two books of his poetry most recently published stand, at least as far as external method is concerned, at two opposite reaches of his work. *For You* is a collection of long poems, dating from 1957 to 1968; it goes backward in time and represents a kind of poem for which Hayden Carruth has special strengths: meditative, poring, searching for a language and for images that shall be necessary to externalize an intensely inward experience. *The Clay Hill Anthology* is not an anthology but a collection of brief poems. Based on haiku, but very Occidental, these "jottings" possess an unmistakable continuity and are remarkable for their variety, tensility, toughness and genuine music—the music of a real man's voice speaking his own language. There is nothing fragile or precious about these poems, which for all their brevity are addressed to large matters.

We still have to wait for the book which should accompany these two in any consideration of Carruth's poetry as a whole: the collected shorter poems of which two earlier volumes, *The Crow and the Heart* and *Nothing For Tigers* would comprise only a portion. These shorter poems, which have been appearing steadily in magazines for years, would surely reveal themselves as one of the long poems that the poet has been writing all his life.

But right now we have *For You*, a handsome volume, and *The Clay Hill Anthology*, one of the most attractively and sympathetically designed books I have recently seen from a small press. *For You* is a series of journeys from within the poet's self, beginning with a poem called "The Asylum" and ending with an elegy for his father. At first look these poems embody a very inward world, the passage of a man's spirit from psychic

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defeat into that confrontation with the real that Americans call pessimism. But the title, it seems to me, goes to the root of what this kind of poetry is really about: a man who uses language as a tool or weapon for his own survival, picks up that tool, honed and tempered by him, its handle stained with his sweat, and offers it to us, as if it might be of use to us, too. There is no brilliance of craft or aesthetic surface that can do this for us of itself; this is a quality of poetry that the poet conceives as functional, as a way of existing—first for oneself, then perhaps for others.

One of the striking things about the poems in this book is the way they trace the development of a poet's working language. "The Asylum" has always seemed to me a poem of courage, the poem of a proud man acknowledging humiliation and apparent failure, yet under no illusion that that acknowledgment offers him a reprieve. The poem's concerns are the collapse of an identity and the relation of that collapse to the society around the self. It should be remembered that poems out of Bedlam were not yet fashionable in 1957, and that illness of the mind was still seen as a form of individual failure to adjust to a presumably sane and sound society. It does seem to me, however, that the poet's sensitivity was protecting itself, in this poem, by a diction which, except at a few striking moments, clothes itself in literary costume. Ezra Pound is a figure in the poem, seen as both fellow sufferer and master, and the language reflects that aspect of Pound's influence which has always felt to me as sticky as candy: verbal nostalgia and hypermusicality at the expense of naturalness —qualities into which Pound's imitators, including the best of them, have often fallen. Yet distinct and articulate images also appear: ". . . a twisted beech/Whose nineteen leaves were glittering, each/A tear in a rigid eye. . . ." And the final section breaks into a different mode:

If love fails
To soothe such pain and runs like the salt sea down
The wounds of these particular halls
Goodnight. Goodbye. Here's darkness and rain
And a small wind in broken walls, dear walls.
Here am I, drowned, living, loving, and insane.

In "Journey to a Known Place," a poem written two years later, the language becomes harsher, more brilliant and violent; there is almost no trace left of the inversions and archaisms that occur in "The Asylum." It is a language of verbs, a reaching-out into action, into movement, a bursting of the asylum walls, and entering into regions where there is no asylum, no protection. Nevertheless, in this poem, it is only when Carruth deals in precise terms with the natural or human world that his experience comes most sharply into focus. The mythology or "plot" of the poem seems rather a contrivance; I believe that its elaborated metaphors of air, earth, fire and water are used as literary diction is used in "The Asylum"—out of a lack of trust. Where the images take on a life of their own, however, as in the undersea passage, "Aqua," they are nightmarish and powerful.

In 1963, Hayden Carruth, now living in a small village in northern Vermont, undertakes to write a long poem without using the pronoun "I." The result is "North Winter," first published by the Prairie Press, and, in that edition, now presumably a collector's item. The poem is a sequence of short, open-line poems tracing the onset and the experience of a winter in the hills, and ending with the compelling description of two men—possibly Commander Peary and his black companion Matthew Henson—on their first trek to the Pole. In renouncing the personal pronoun, Carruth becomes more intensely than ever the persona and the soul of the poem: he is no longer recounting his own experience from one remove, looking back at himself; he becomes pure consciousness, the mind of a man, the mind of a poet, translucent, relentlessly selective, fixing the natural world in images and sounds that are precise and varied and wholly successful. In pretending to be simply a sequence of images of winter, the poem creates a context in which the reader is left to make the unsaid connections between the visible object and the conditions of our being. Carruth is here using materials so close to him in every sense, and which he is so gifted at observing and understanding, that the words appear on the page as if they had always been there; it is hard to imagine the poem as something *made*. One is looking through Carruth's eyes, yet hardly aware of his presence.

In "Contra Mortem," dated three years later, the materials of this immediate landscape—Vermont woods, stream, meadows, village, wife, child, sky, night, dawn—are the personae of a thirty-part poem. It almost seems that this is the poem Carruth was trying to write in the final section of "Journey to a Known Place." The celestial city of the earlier poem has become a Vermont village; the mythic landscape has become one far more familiar—though still at times and places possessing an ecstatic quality. Carruth, now moving among the actual facts of his existence, is in contact with the poetry of that existence as never

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before. And the poem is an attempt to use poetry, to use the body of the visible world, against the little deaths and the great death which thread their way through this and each of the earlier long poems. The fact that the core of nothingness, seen in each other's eyes by the two explorers at the end of "North Winter," exists also in "the socket/ Of the candlestick or in that/ of the shotglass look in the empty gauntlet or look/in the clamshell . . . look the fear"—this fact, this "place where nothing is" is also the core of the poem. Written out of the most acute, unswerving, unhysterical perception of absurdity, that poem's great beauty and paradox is how lovingly and intensely it evokes, nevertheless, the physical, sensuous world.

The final "little death" in this book is the death of Carruth's own father, and the breaking—by the son, of his own will—of "the net that holds/ everything together." A sensation of release at such a time is not uncommon, but Carruth's vision of the release in "My Father's Face" is of an act of choice:

How easy! I wonder why
I took so long, learning
that to destroy

what could never be either right or wrong,
this net, this mere order
or any order,

is no real destruction—
look, I walk as I have always walked,
one foot in front of the other foot.
The rocks and birches take so warmly
to the purity of their restoration. I see this.
I have done it with one gesture, like that.

I walk in the tact of the ultimate rebel
graduated from conspiracy,
free, truly free, in the wonder of uncreation.

There is in all of Carruth's poetry a tension between this rebellion, this uncreation, and longing for a time when tradition and convention (which he sees as very different) were more congruent, when song was more harmonious, when absurdity was as yet unrealized. Carruth's temperament is genuinely radical in its need for roots, and its hatred of the rootless shifting opportunism and greed and dishonor which are wasting our country as well as Southeast Asia and other parts of the world. I think there is no poetry being written now in which anger and pity for the wasting of man by man are more melded with love for the possibilities, for the earth and man upon it. The move from self-doubt and self-hatred to "leaning to my limp/ learning,/ Swinging/ at last on my wound," to an expanded sense of the woundedness of others, and a greater mercifulness toward them and one's self, is a history which will have to be sweated out over and over by those who come after us, not to mention ourselves. This, finally, is why these poems matter. □

THEATRE & FILMS

Harold Clurman

The answer to the question implied in Terrence McNally's *Where Has Tommy Flowers Gone?* is no*where* (Eastside Playhouse). I say that not so much as a rebuke as a diagnosis of what ails "Tommy," both as a person and as a play. For though it is written—in spots brightly written—in a manner resembling a series of revue skits, it *is* a play with that beginning, middle and end upon which pundits insist.

Tommy, the flower boy, hails from St. Petersburg, Fla., a town which, from his earliest age, he has found deadly dull. In a sort of color TV monologue we meet his mother who is sweet and indistinguishable from other "hinterland" mothers and therefore, it seems, ridiculous. Similarly we meet his big brother who is a harassed, cuckolded salesman. So Tommy escapes to where life really is: New York.

Here at the age of 30 we find him panhandling: he wouldn't dream of working. Of course, he smokes "grass." He is personable and thus finds girls easy to get. He befriends an old vagrant who for a while pretends to have been an actor. Tommy also protects a woolly but amazingly passive dog. He swindles a ride in a taxi driven by a classically garrulous hackie, dishonest and down on everything (the scene is funny); he steals stuff from Bloomingdale's and hides in the ladies' room where he encounters a girl cellist, also a shoplifter. They have an affair which terminates when she is jailed for her complicity in Tommy's misdeed. Everywhere, in short, Tommy is faced with stupidity, passionless promiscuity, brutality: it is what every young man is supposed to know today and ultimately to expect. Roughed up slightly by a cop, Tommy kills him with a blast of dynamite.

Is Tommy a good or a bad boy? He is neither. Tommy registers our society, typifies disoriented youth. But the "registrar" is as dumb or as banal as everyone he contacts. One cannot accept him as a product of our society, because his good nature, projected chiefly through the actor who plays him and McNally's jokes, evinces nothing propulsive in any direction: he neither learns nor protests, he does not yearn or despair. In a word, he is not a true person. He is a peg on which to hang all the clichés about our shabby time. No community whatsoever would make Tommy anything other than what he is, because he is a lump incapable of the volition needed for good or evil, the human material to develop toward a meaningful purity or a damnable baseness.

I stress all this in what is after all only a light entertainment (not without its laughs and clever twists) because the play is meant a little more seriously than it would appear. It belongs to that taken-for-granted criticism of the *status quo*, in which so much of our "new theatre" and New Left politics indulges, where the tag or verdict precedes and supersedes thought.

It would be unfair on this account not to recognize the appeal of Robert Drivas' versatile performance as Tommy, Wallace Rooney's easy candor as his deadbeat companion, F. Murray Abraham's risibly able assistance in a variety of bits (also true of Marion Paone) and Barbara Worthington's debut in which she displays, besides lovely golden hair, luscious legs, inviting navel, a delightfully sunny smile. There is also "Arnold," already acclaimed as the finest canine actor seen hereabouts for years. As a show under Jacques Levy's direction *Where Has Tommy Flowers Gone?* works smoothly and—barring some extra goodies in the

IN MEMORIAM, PAUL BLACKBURN

Place these words
in his hand,
fastened now with his kin in flame
lo que me dió valor
that gave me courage
of the gospel of the poet's kiss

Clayton Eshleman

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way of preposterous puns and special comedy routines—rapidly.

I have not yet attended all the exhibits of the ninth New York Film Festival at Lincoln Center, housed this year in the Vivian Beaumont Theatre, nor shall I see or review them all, not only because some of them are unbearable but because human flesh (except in the case of daily reviewers who have undertaken and are obliged to do so) should not be subjected to such celluloidal endurance tests.

For now I shall mention two of the more virtuous specimens: Peter Bogdanovich's *The Last Picture Show* and the Soviet-made *The Debut*. "Virtuous" may strike many as a pitifully tame or grudging adjective to apply to the Bogdanovich film, but I must confess myself a little disappointed by it.

If I were one of the aforesaid and, to me, unfortunate reviewers I too might be more enthusiastic about *The Last Picture Show*. After hundreds of trashy flicks a sign of honest intention and sobriety of statement must certainly prove a welcome relief. *The Last Picture Show* is clearly above the "average." It purports to depict the life of a small Texas town in the fifties, when Adlai Stevenson was a candidate and Eisenhower promised to end the war in Korea, which was due to end anyway. The first and last of the film's shots are the most eloquent. The first shows a long flat line of sleepy stores, bars, eating places, one story high, and a lone movie house advertising a John Wayne picture. At the end the same place reappears, if possible more mute and gloomy, with the picture palace closed for good.

In between these two expressive glimpses one comes to know the dreary and depressing township's citizens. The central figure is a senior high school boy, nicely played by Timothy Bottoms, who is a kind of blank page. On it are inscribed the picture's dismal events. He screws around (to use recent academic terminology) with willing but slightly intimidated females his own age, he has an affair with the apparently indisposed and neglected wife of the school athletic coach, he listens to the romantic memories of the regretful owner of the picture house, a morally and physically sturdy old-timer called Lion (but the "Lion" dies), he tries to save his young buddy from the humiliation of being forcibly initiated into the rites of sex with a fat town whore. Then our hero has a fight with a tougher pal who considers himself engaged to the girl whom the boy has finally "made," a fight in which he apparently loses the sight of one eye. When he marries the girl, her parents intervene and whisk her off. The aforemen-

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tioned innocent little buddy—seemingly his only friend—is accidentally killed by a passing truck. The fellow who blinded the constantly bedeviled young man goes off to the Korean battlefield: there are no hard feelings between the two youths. The young man is left alone with his former mistress, the coach's wife; both are bereft and benumbed by their experiences in the spiritless town and may seek to console each other in their desolation.

None of this is patently false; on the contrary it possesses a sort of documentary factuality, but one is hardly stirred. There is a reason: the picture employs the sort of subdued realism that characterized many of the heralded short stories and novels of the twenties by Sinclair Lewis, Sherwood Anderson, Zona Gale (not to mention the earlier Hamlin Garland and the epitaphs in *Spoon River Anthology*) when we were made fully aware for almost the first time that America, and particularly its wide open spaces, were not entirely inhabited by contented folk.

The film is well cast with convincing types: Cloris Leachman as the lonely, deprived wife is especially effective, showing the strain of a loveless marriage with spare but real feeling.

The Debut is another of the simplistic little idylls with touches of endearing observation which the Soviet public seems to cherish. This one is about a small-town girl, plain but winning, of peasant stock. She is unlucky in her brief affair with a good-looking but weak young man who is unable to tear himself away from his strong-willed wife and their little daughter. The moral of the tale—Russian tales always convey a moral—is that there may be compensations in life for those frustrated in love: the girl, despite her inexperience as an actress, becomes an applauded movie star, though it is hinted that she may not long remain one.

The picture in which she scores—there are amusing sequences showing her at work on the set—is *Saint Joan*. Here too we find a few dabs of soft sell or subliminal propaganda. Joan regretfully yet firmly orders the hanging of two army deserters. When she is told her King has betrayed her she replies he has done it for France (read for the people, the nation). She is frightened of battle but doesn't flinch. And then too there is the suggestion that the young woman's private suffering helps her understand and enact Joan's martyrdom, which is itself a token of principled patriotism and therefore ennobling.

As in *The Last Picture Show*, hardly any of the actors in *The Debut* are made up. All members of the unadorned cast look just as they should. The leading actress can really act in a rudimentary but entirely truthful manner. There are flashes of humble humor and the direction is decently straightforward. This is a film for respectably undemanding and unpretentious folk.

I shall have more to say of some of the other Film Festival offerings in a later issue. □

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ART / Lawrence Alloway

At the Solomon R. Guggenheim Museum until December 12 is the second big Piet Mondrian show in North America in five years. The first, at the Art Gallery of Toronto in 1966, emphasized the pre-Abstract paintings. Robert Welsh, the organizer, divided Mondrian's career into three phases: for "The Naturalistic Period," 1888-1908, there were fifty works; for the "transitional" period, toward and into Abstraction, 1909-15, twenty-eight works; and for "De Stijl and After," 1916-44, thirty-four works. That is to say, the works by which Mondrian is known, and for which he is valued, constituted little more than half of the show. The early work is fascinating and was neglected, but Welsh in his zeal to rehabilitate it slighted the work that makes Mondrian important. The New York exhibition, selected by Margit Rowell, with the aid of Welsh's expertise, is slightly larger than the Toronto one, but it is a more proportionate selection. There are thirty-three early works, thirty-four "transitional" ones (including some of the best Cubist paintings ever done) and, which is the point, sixty-two Abstract paintings, almost double Welsh's original number.

This rational representation of the periods of Mondrian's life, beautifully shown by the choice of works, has no corresponding balance in the texts for the catalogue. The introduction by a Dutch museum director reports an idiot interpretation of the artist by a friend. Then Mr. Welsh, in the longest article, examines what is probably the worst work in the show, the triptych "Evolution," ca. 1911. Joop Joosten has a good piece on the transition from Cubism to Abstraction, after which the catalogue falters. There is an agreeable memoir of Mondrian and Theo van Doesburg by the latter's widow. (It turns out that in the dancing for which Mondrian was rather celebrated he was an inconsiderate partner, hard to follow.) Then Margit Rowell has elicited interesting souvenirs of Mondrian's last years in New York from Charmion von Wiegand. Neither piece, however, could be expected to deal with Abstract works substantially and the only analytical piece is by Max Bill. He has examined a group of "about twenty paintings by Mondrian that are square and stand on one corner." His is an interesting speculative piece, but it is an excursus, primarily for those people who are interested in the opinions of Bill, himself an important Abstract painter. Once again, therefore, the Abstract paintings, the real thing, are uninterpreted, though this time they are present in abundance.

At the Guggenheim one's sense of connection between the early and the late paintings is strong. The origins of the grid in the Abstract paintings can be located within the figurative paintings and the symbolism of Theosophy is carried forward into the geometric paintings. The early landscapes have a powerful internal solidity of color which makes them almost slablike, and the Abstract paintings are presented as tablets, raised forward rather then recessed or contained in a frame. (The big plastic boxes in which we now see them came later, for protection.) This unity across a style change has consequences for one's view of 20th-century art as a whole. The artists of the period are continually presented by their writers

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in stances of rejection, engaged in an endless series of sacrifices. When one looks at Mondrian's Abstract paintings, however, this rhetoric seems inappropriate. One has no sense of shortage; on the contrary, his consistently maintained right-angled relationships and his (mostly) primary colors provide ample scope for variation. Only a nonrenunciatory view of Mondrian seems to fit his development.

Mondrian is very free in his chosen parameters. In the early De Stijl phase he tends to organize his pictures as large asymmetrical plateaus, around which, often at the very edge of the canvas, are peripheral colors and lines. The later work has fewer hierarchic contrasts of form and more lines; the increase of linear crossings produces something like an all-over composition. There is absolutely no sense of constriction in the paintings, which are endlessly inventive and, in the varied placing of Mondrian's signature, curiously frivolous and self-assertive.

It used to be assumed that Abstract art was a pure version of a kind of human artifact which had previously been adulterated by references to nature. The process of purification was supposed to result in an art of universal validity, inasmuch as the forms in paintings were unencumbered by local reference (to trees, to martyrs). There were two popular metaphysical supports for this view, a modern German and an ancient Greek one. Wilhelm Worringer vindicated geometry by saving it from the realm of decoration and proposing it to be the bearer of expressive meaning. At the same time, Abstract form was identified with Platonic archetypes, the forms that govern the world's plethora of particular forms. The expressionist and the absolutist views of nonfigurative form converged and became self-supporting. The theory was undemanding of the spectator: all that was required of him was the visual judgment of composition. The aesthetic satisfaction that followed was interpreted as access to universals, which meant that Abstract art functioned as a kind of unlearned language.

The pleasant days of free universals are gone and the present Mondrian catalogue indicates what have taken its place. Instead of Grand Designs there are sophisticated and exact meanings, less gratifying to the spectator but in the end verifiable. There has been a shift from acts of exalted art appreciation to the study of iconography and of artistic intention. Robert Welsh elaborates convincingly on Mondrian's adherence to Theosophy, which he shows started earlier than supposed and continued into the Abstract paintings. (Kandinsky, and perhaps Robert Delaunay, also depended on Theosophy to trigger their early Abstractions.) Another area of meaning, indicated by Mondrian but not discussed in the catalogue, is the social utility of the paintings. The utopian ideas of his generation led him to consider his paintings as models of equilibrium which might, he thought modestly, be less necessary as society cleansed itself. L. J. F. Wysenbeek links Mondrian to Dutch mysticism, all of it, and tries his hand at psychoanalysis via the gossip of an old friend of the artist's. Part of the evidence for Mondrian's rebellion against his father is that he "mumbled while painting, which one can interpret—in view of other evidence—as conversations with his father. Most of it was under his breath though—*and could not be heard*" (*my italics*). Despite aberrations like this I think there is no doubt that attempts will not stop to penetrate Mondrian psychologically and to unravel his iconography. At the same time we must try to see his art whole, without relying on dated simplifications. The mounting information may seem overbearing, but as it gets absorbed into the general knowledge of our culture, its presence will become expected and legible. □

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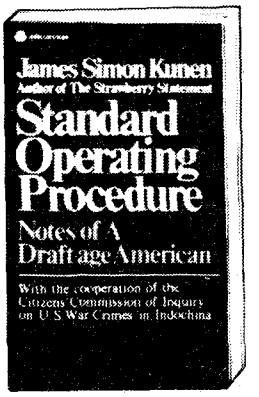
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AVON

MUSIC

DAVID HAMILTON

When a conductor elects to make his American debut in a program comprising only two works—and those, specifically, the Mozart *Gran Partita* (K. 361) for thirteen winds, and Schoenberg's early symphonic poem *Pelleas und Melisande*—he is either very foolhardy or very sure of himself. The man in question is the German-born, Argentine-trained Michael Gielen, and his first Philharmonic appearances (in the concerts of October 7-11) confirmed that he is entitled to the second of those descriptions. If the Mozart work, a "serenade" of extraordinary breadth and profundity, accords well with Boulez's new programming policy of drawing smaller groups from the orchestra, it also presents severe challenges in this context, demanding extreme subtleties of ensemble playing and directorial pacing. Nearly all of these niceties were fully realized, which speaks well for both the Philharmonic's new estate and the conductor's complete craftsmanship. That a work probably unfamiliar to most of the players could be brought so near to perfection says much for their sheer virtuosity (and the Philharmonic wind section is certainly among the best in the world, when it wants to be), but the detail of phrasing in this performance must, in the last analysis, be attributed to Gielen: every line was alive, and that is an enormous achievement in a fifty-minute piece. Incidentally, the sound of a wind band in Philharmonic Hall proved quite pleasant—clear, dry and robust, as befits the "open-air" character of the scoring. (For those unacquainted with this remarkable work, the summit of all wind-ensemble music, there is a good recording by Klemperer on Angel S-36247.)

Even more challenging, in a different way, is the Schoenberg piece. Robert Craft once predicted that "when the Kapellmeisters get around to learning it . . . it is destined to become a warhorse"—but this overlooks the work's density in all dimensions, far surpassing any of the Strauss tone poems (to name only the most successful stable of warhorses in this sweepstakes). In a significant sense, it is the most massive of Schoenberg's works—the *Gurrelieder*, despite internal connections, is basically a cycle rather than a single gesture—and its four-movements-in-one layout is texturally elaborated to an unexampled degree. I did not hear the Philharmonic's previous performance (under Mitropoulos), but none that I have heard (including all the recordings) came near to Gielen's articu-

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lation of either the detail or the overall shape. One recalls that his conducting first attracted attention here on a recording of the Schoenberg Violin and Piano Concertos (now on Turnabout TV-34051) that, despite a foggy registration, operated on those works in a similarly revelatory fashion. It remains a mystery why such an obviously professional and fully equipped conductor only now should be appearing on these shores; since the program tells us that Gielen was for five years musical director of the Royal Opera at Stockholm, we may hope that his activities at Lincoln Center will not only continue but perhaps extend across the plaza, where his skills are badly needed.

Boulez's opening weeks with the orchestra were variously noteworthy for a brilliant reprise of his classic reading of Stravinsky's *Rite of Spring*, an eloquently restrained performance of the Adagio from Mahler's Tenth Symphony, and the introduction of three different pianists to replace the ailing André Watts: Misha Dichter, who played the Bartók Third Concerto with bright sensitivity in Washington on September 19; Jorge Bolet and David Bar-Illan in two Liszt works, respectively the *Totentanz* and the *Malédiction*. Of these two, the latter was more successful, for Bolet evidently would have preferred more elasticity than was forthcoming from the podium; one reflects that Boulez's experience with concertos is primarily in the contemporary literature, where the conductor usually must, of necessity, be the dominant force—a relationship properly not so congenial to virtuosos of a 19th-century stamp. An especial pleasure of the Washington concert, in the new hall of the Kennedy Center, was the added impact the room's warmth conferred upon the *Rite of Spring*—if a method of acoustic larceny can be devised, the Philharmonic can count on my support.

An incidental entertainment of these weeks has been the failure to forewarn the program annotator about Boulez's specific intentions. An announced "reprise of the opening Allegro con spirito" in Ives's *Robert Browning Overture* did not take place, for the conductor chose to excise it (a possibly justifiable procedure given the work's unpolished, if not actually unfinished, state); the "simple ABA form," although now shorn of the second "A," was apparently still perceptible to at least one of my colleagues. Similarly, in Liszt's *Legend of Saint Elisabeth*, a somewhat *Lohengrin*-esque oratorio, the program notes carefully described a number of sections that were in fact omitted—with rather less justification: if we are to have such revivals, they should be presented intact at first; later, should the work prove at all viable for the repertory, cuts can be considered. Particularly impressive among the vocal soloists on this occasion was Betty Allen, who redeemed the somewhat tentative impression she made during a "pre-concert recital" of Berg songs with pianist Paul Jacobs; the latter's reading of the Berg Piano Sonata, on the other hand, was exemplary for its control of the contrapuntal texture.

While the "pre-concert recitals" are one Boulez innovation that will hardly be controversial, the first of the "Prospective Encounters" (at the Shakespeare Festival Public Theatre, on October 1) is certain to be hotly debated. Since the format of these occasions is not fixed, there seems little reason to hand down *obiter dicta* at this point, except to suggest that the full evening (from seven until midnight) will be on the strenuous side for most. One heard, at least, two performances of Mario Davidovsky's inventive *Synchronism No. 6* for piano and electronic sounds (again the excellent Jacobs, hampered by an inadequate piano), one less-than-secure reading of Charles Wuorinen's *The Politics of Harmony*, and a great deal of talk—some of it informative (Jacobs' illustrated analysis of the Davidovsky, for example), and some entertaining (a general discussion among Boulez, Wuorinen, Richard Howard and James Seawright, at the evening's end).

Both works have been previously praised in these pages (a recording of the Davidovsky, by Robert Miller, for whom it was first written, is in preparation), and only the character of the "event" remains in doubt: how far can musically significant matters be overlooked in the cause of "spreading the gospel"? The highly irregular acoustics of the hall, with the incessant rumble from subway trains, certainly detract from audibility, not to mention enjoyment, for those of us who are accustomed to listen attentively—but we are not the audience for whom the "Encounters" are intended, and this location is said to draw a "new" public. The uncertain work of the regular Philharmonic men in the Wuorinen piece was hardly compensated for by the excellent "ringers" (including the vocalists), most of whom had taken part in the première at Columbia two years ago—but how will the orchestra men learn to play this repertory if they don't try? And Boulez's little illustrated talk on Wuorinen's text setting was so generalized as to be applicable (with different illustrations, of course) to virtually any significant stage work of the last three centuries, and thus hardly informative with respect to this particular one—but perhaps the distinction between recitative and aria is news to this audience? At what point does one pass over the borderline between constructive innovation and damaging dilution or misrepresentation of the musical experience? There are no easy answers to these questions, and I, for one, am willing to let Boulez and his colleagues experiment for a while because the ultimate purposes seem well grounded. (The next "Encounter," conducted by Gielen, will take place on October 29.) □

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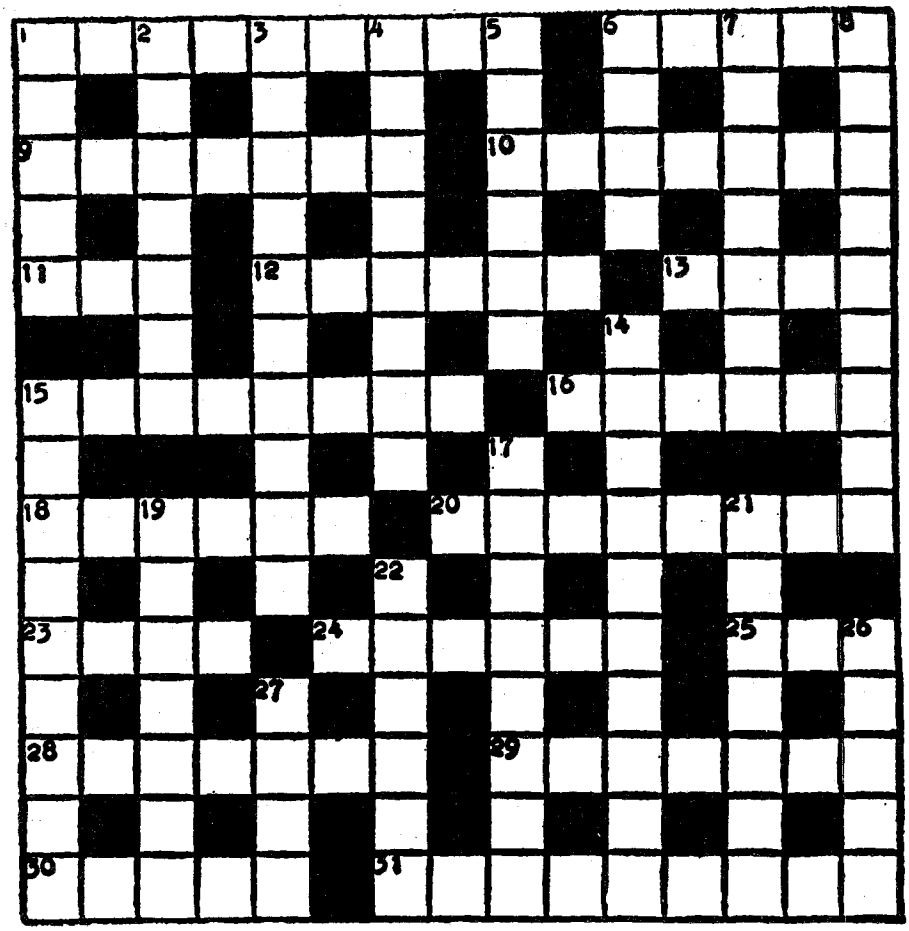

ACROSS

1 A big howl raised when a curate gets mixed up with the law? (9)
6, 9, 6 down, 2 down and 25 across In the place of something to pass things on, the street is nearby, evidently. (5,6,1,4,6, 1,3)
10 It didn't involve the smoke of battle. (7)
11 See 24 across
12 The head man might start off a news story. (6)
13 A Siamese initially has to have a lot of land. (4)
15 Leading social circles that might be rather attached to radio. (8)
16 Desert shortcoming? (6)
18 Bar man? (6)
20 Somewhat rude miss, as might be suspected. (8)
23 Doesn't stand for poses, obviously. (4)
24, 19 down and 11 across One who cultivates painting or poetry? (3,3,4,3,3)
25 See 6 across
28 Allow the comforter to fail a friend at need? (3,4)
29 One of the lower cell structures? (7)
30 The rate at which oceans come back? (5)
31 What dictatorship does evidently irons things out again. (9)

DOWN

1 and 27 down Part of the round phrase might be intended to attract attention. (9)
2 See 6 across
3 Resigned for service? Sort of listen and rush about. (10)
4 There's something Georgian about a classic figure. (8)
5 Fastened with hair? (6)
6 See 6 across
7 Seems an unusual combination altogether! (2,5)
8 Obtained by pressure, perhaps. (9)
14 It might be an enduring virtue. (10)
15 A fish might serve two persons if portions were so leathery! (4-5)
17 What 18 did in addition? (6,2)
19 See 24 across
21 Such as Tom and other old woodworkers? (7)
22 One might acquire polish, or might call for an order of steak. (6)
26 Old-time musical comers, demanding a certain amount of pull. (5)
27 See 1 down

SOLUTION TO PUZZLE NO. 1412

ACROSS: 1 Diapason; 5 Walrus; 10 Cheeses; 12 and 11 Alternatives; 13 Endurance; 14 Omega; 16 Strapped; 19 Airstrip; 22 Ibsen; 24 Carpenter; 26 Taste; 28 Fancier; 29 Alfalfa; 30 Sashed; 31 Democrat. DOWN: 1 Dictator; 2 Agent; 3 Assyrians; 4 Oysters; 6 Altar; 7 Revenuers; 9 Snyder; 15 Emigrants; 17 and 20 Point of no return; 18 Interact; 21 Portage; 23 Scuffs; 25 Elide; 27 and 8 Solar system.

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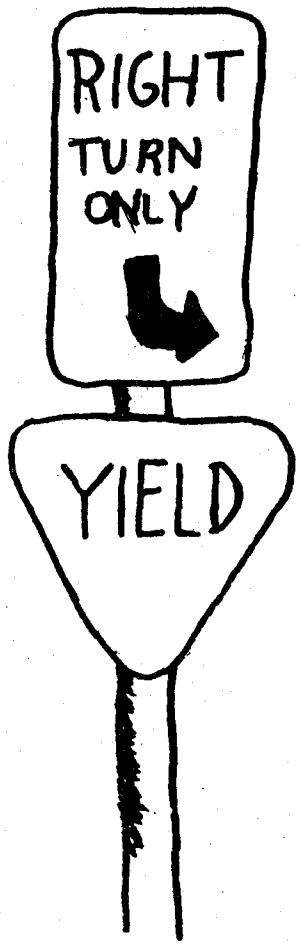

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